THE NATIONAL ARCHIVES OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 13 NUMBER 57

Washington, Tuesday, March 23, 1948

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9937

AUTHORIZING THE AGENCIES PARTICIPATING IN THE PHILIPPINE REHABILITATION PROGRAM TO EXERCISE THE AUTHORITY VESTED IN THE PRESIDENT BY SECTION 4 OF THE PHILIPPINE PROPERTY ACT OF 1946

By virtue of the authority vested in me by the Constitution and the statutes, and as President of the United States, it is hereby ordered as follows:

The Commissioner of Public Roads of the Federal Works Agency, the Chief of Engineers of the United States Army, the Philippine War Damage Commission, the Surgeon General of the Public Health Service of the Federal Security Agency, the United States Maritime Commission, the Director of the Fish and Wildlife Service of the Department of the Interior, and the Administrator of Civil Aeronautics, the Chief of the Weather Bureau, and the Director of the Coast and Geodetic Survey of the Department of Commerce are hereby authorized, as to their respective agencies, to exercise the authority vested in the President by section 4 of the Philippine Property Act of 1946 (60 Stat. 419): *Provided*, that this authority shall be exercised only with respect to property located in the Philippines in the possession and control of the respective agencies and utilized in carrying out the provisions of Title III of the Philippine Rehabilitation Act of 1946 (60 Stat. 135).

HARRY S. TRUMAN

THE WHITE HOUSE,
March 20, 1948.

[F. R. Doc. 48-2627; Filed, Mar. 22, 1948; 10:32 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 385, 4th Rev., Supp. 1]

PART 301—DOMESTIC QUARANTINE NOTICES

ADMINISTRATIVE INSTRUCTIONS DESIGNATING RUST-RESISTANT VARIETIES OF JAPANESE BARBERRY

Introductory note. The administrative instructions in 7 CFR 1945 Supp. § 301.38a (B. E. P. Q. 385, 4th Revision), effective January 24, 1945, issued pursuant to the black stem rust quarantine and supplemental regulations under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), designated (1) the species, varieties, or hybrids of barberries and mahonias which are known to be sufficiently resistant to black stem rust to involve no danger of spread of the rust and which may be shipped under permit, and (2) the rust-resistant varieties of the Japanese barberry.

In the meantime Berberis thunbergi var. "Globe" and B. thunbergi var. variegata have been found to be horticulturally desirable. Moreover, these two newly developed varieties of Japanese barberry have been thoroughly tested and found to be immune to the black stem rust. Accordingly, the administrative instructions specified in § 301.38a, are hereby modified to include these two varieties in the list of the rust-resistant varieties of Japanese barberry.

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 301.38-3 (c) of the regulations supplemental to the black stem rust quarantine (7 CFR 1944 Supp. § 301.38-3 (c)), under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), the third paragraph, designated "(b)", in the administrative instructions in 7 CFR 1945 Supp. § 301.38a is hereby amended to read as follows:

§ 301.38a *Administrative instructions; classification of barberry and mahonia plants.* * * *

(b) Rust-resistant varieties of Japanese barberry which may be shipped to any State without permit or restrictions under the regulations in this subpart:

Berberis thunbergi
Berberis thunbergi var. atropurpurea
Berberis thunbergi var. "Globe"
Berberis thunbergi var. maximowiczi
Berberis thunbergi var. minor
Berberis thunbergi var. variegata
Berberis thunbergi f. erecta

The purpose of this amendment is to relieve commerce in the articles exempted hereby from restrictions heretofore imposed. In order to be of maximum benefit to the public, the relief from these restrictions must be made effective as soon as possible. Accordingly, it is found for good cause under section 4

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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of the Administrative Procedure Act (60 Stat. 238) that notice and public procedure on this amendment of the administrative instructions are impracticable and contrary to the public interest, and since the amendment relieves restrictions it may be made effective under said act less than 30 days after publication.

(Sec. 8, 37 Stat. 318, 39 Stat. 1165, 44 Stat. 250; 7 U. S. C. 161; 7 CFR 1944 Supp. 301.38-3 (c))

This amendment shall be effective upon March 15, 1948.

Done at Washington, D. C., this 9th day of March 1948.

[SEAL] P. N. ANNAND,
Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 48-2518; Filed, Mar. 22, 1948; 9:04 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch)

PART 802—SUGAR DETERMINATIONS

NORMAL YIELDS OF COMMERCIALLY RECOVERABLE SUGAR PER ACRE AND ELIGIBILITY FOR PAYMENT WITH RESPECT TO ABANDONMENT AND CROP DEFICIENCY FOR SUGARCANE FARMS IN PUERTO RICO

Pursuant to the provisions of section 303 of the Sugar Act of 1948, the following determination is hereby issued:

§ 802.45 *Normal yields of commercially recoverable sugar per acre and eligibility for payment with respect to abandonment and crop deficiency for sugarcane farms in Puerto Rico*—(a) *Normal yield calculation.* The normal yield of commercially recoverable sugar per acre for any farm in Puerto Rico on which sugarcane is grown and marketed (or processed by the producer) for the extraction of sugar shall be:

(1) For any farm on which sugarcane was grown and marketed (or processed by the producer) for the extraction of sugar during all three of the crop years 1941–42, 1944–45, and 1946–47, the quotient obtained by dividing the total number of hundredweight of commercially recoverable sugar produced therefrom during such crop years by the total number of acres harvested thereon during such crop years.

(2) For any farm on which sugarcane was not grown and marketed (or processed by the producer) for the extraction of sugar during all three of the crop years 1941–42, 1944–45, and 1946–47, the simple average of the normal yields per acre, computed as in subparagraph (1) of this paragraph, for all farms within the same local producing area, as defined herein, on which sugarcane was harvested for the extraction of sugar during all three of such crop years, and on which the conditions affecting sugarcane culture are similar to the conditions prevailing on the farm.

(b) *Eligibility for abandonment and deficiency payments.* A representative of the San Juan, Puerto Rico, office of the Production and Marketing Administration shall approve for abandonment and deficiency payments any farm located in a local producing area, as defined herein, in which actual yields of commercially recoverable sugar from the sugarcane for farms comprising 10 percent or more of the sugarcane acreage of all farms in such local producing area were not in excess of 80 percent of the normal yields therefor, as determined by the Officer or Acting Officer in Charge of the San Juan, Puerto Rico, office of the Production and Marketing Administration: *Provided,* (1) Such acreage abandonment or crop deficiency was directly due to drought, flood, storm, freeze, disease, or insects, (2) the acres that were abandoned or the acres with respect to which there was a crop deficiency were suitable for the production of sugarcane and were cared for up to the time of harvest or abandonment, as the case may be, in a manner which could have been expected under average conditions to produce a normal crop of sugarcane, and (3) the other conditions for payment specified in Title III of the said act with respect to the farm have been met. Such approval on the application for payment by a representative of the San Juan, Puerto Rico, office of the Production and Marketing Administration shall constitute determination that such farm is eligible for abandonment and deficiency payments.

(c) *Definition.* A "local producing area" shall be all contiguous or nearby farms in Puerto Rico which are found by the Officer or Acting Officer in Charge of the San Juan, Puerto Rico, Office of the Production and Marketing Administration to be similar with respect to types of soil or with respect to topography: *Provided, however,* That farms separated from other farms by any natural barrier such as mountains or large areas of land shall not be included within the same local producing area.

This determination supersedes, beginning with the 1947–48 crop year, the "Determination of Normal Yield of Commercially Recoverable Sugar per Acre and Eligibility for Payment with Respect to Abandonment and Crop Deficiency for Sugarcane Farms in Puerto Rico," issued May 25, 1945 (10 F. R. 6154).

Statement of Bases and Considerations

Requirements of the Sugar Act. Under section 303 of the act, the Secretary is authorized to make payments with respect to bona fide abandonment of planted acreage and crop deficiencies of harvested acreage under certain conditions. While the general conditions are specified, certain of the specific requirements with respect to eligibility for such payments must be determined in accordance with regulations issued by the Secretary. The payments are based on normal yields of individual farms, but such normal yields must also be determined in accordance with regulations issued by the Secretary.

Historical background. For purposes of calculating normal yields for farms in Puerto Rico since May 1943, the crop years 1938–39, 1939–40 and 1940–41 have been used as the base years. The annual yields of commercially recoverable sugar per acre of sugarcane have been based upon the tonnage of cane per acre and the actual recovery of sugar per ton of cane at the mill or mills where the cane was ground.

Comparison of yields. The following table shows certain data on sugarcane acreage, sugar production and yield per acre for the ten crops 1937–38 through 1946–47 as compared to such data for the base years 1938–39, 1939–40, and 1940–41 as now in effect, and as compared to the base years 1941–42, 1944–45 and 1946–47 as established under the foregoing determination.

HARVESTED SUGARCANE ACREAGE AND PRODUCTION OF SUGAR IN PUERTO RICO

CROP YEARS 1937-38 THROUGH 1946-47

Crop year	Total acreage harvested for sugar	Tons sugar, raw value, produced	Average hundredweight of sugar per acre
1937-38	293,163	1,084,970	74.02
1938-39	216,502	858,442	79.30
1939-40	252,969	1,026,068	81.12
1940-41	236,296	939,543	79.52
1941-42	307,612	1,155,724	75.14
1942-43	310,225	1,046,206	67.45
1943-44	280,353	729,072	52.01
1944-45	288,617	970,751	67.27
1945-46	303,282	916,292	60.42
1946-47	325,263	1,096,059	67.40
Totals and weighted average	2,814,282	9,823,127	69.81

BASE YEARS 1938-39, 1939-40 AND 1940-41 UNDER FORMER DETERMINATION

1938-39	216,502	858,442	79.30
1939-40	252,969	1,026,068	81.12
1940-41	236,296	939,543	79.52
Totals and weighted average	705,767	2,824,053	80.03

BASE YEARS 1941-42, 1944-45, 1946-47 UNDER THIS DETERMINATION

1941-42	307,612	1,155,724	75.14
1944-45	288,617	970,751	67.27
1946-47	325,263	1,096,059	67.40
Totals and weighted average	921,492	3,222,534	69.94

The weighted average yield in hundredweight of sugar per acre during the former base years is 14.6 percent above the weighted average yield for the 10-year period, and 23.1 percent above the average yield during the three most recent crop years.

The weighted average yield during the base years established under the foregoing determination is but .2 percent above the average yield during the past ten crop years and 7.6 percent above the average yield during the three most recent crop years.

Comparison with former determination. Following the policy established for sugarcane areas of determining normal yields on the basis of the average yields obtained during three representative years which reflect current yields, the foregoing determination provides that the crop years 1941–42, 1944–45 and 1946–47 shall be used in calculating normal yields beginning with the 1947–48 crop year.

A base period covering the last three crop years is not prescribed because the yields obtained in that period are not

indicative of the yields which can be expected in the future under normal conditions. Since a drought which covered part of the sugarcane area reduced the yield from the 1945–46 crop to the lowest level of the last ten years, with the exception of 1943–44 when the drought was islandwide, it appears necessary to omit that year, as well as 1943–44, from a three-year base period. Since partial droughts caused some reduction in yields for each of the years 1946–47 and 1944–45, it is deemed advisable to use the drought-free year of 1941–42 instead of 1942–43 in order to partially offset the effects of the limited droughts in 1946–47 and 1944–45. This results in an average yield during the revised base period which is comparable to the ten-year average yield and therefore is representative of yields to be expected under normal conditions.

Under the former determination, the normal yield for each farm was calculated by multiplying the weighted average number of hundredweight of sugar recovered per ton of cane during the base years at the mill or mills where the sugarcane was ground by the weighted average yield in tons of cane per acre harvested on the farm during the base years. Under the revised determination, the normal yield for a farm will be calculated directly from the totals of harvested acreage and commercially recoverable sugar for the farm during the revised base period. This will eliminate the preliminary step of calculating yields in tons of cane per acre and will give a weighted average yield for the base years.

An analysis of crop data for Puerto Rico shows but slight variations between simple average and weighted average yields. The weighted averages are prescribed primarily because such averages can be calculated very readily from data shown on applications for payment. The provision with respect to eligibility for abandonment and deficiency payments remain unchanged.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the purposes of section 303 of the Sugar Act of 1948.

(Secs. 303 and 403 of Pub. Law 388, 80th Cong.)

Issued this 17th day of March 1948.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 48-2468; Filed, Mar. 22, 1948; 9:04 a. m.]

TITLE 10—ARMY

Chapter VII—Personnel

PART 707—MEDICAL AND DENTAL ATTENDANCE

COMPENSATION ALLOWED TO CIVILIAN PHYSICIAN

In § 707.3 (10 CFR, 1946 Supp.) rescind paragraph (h) (1) (iv) and (v) and substitute the following therefor:

§ 707.3 *Civilian medical attendance for military patients at public expense.* * * *

(h) *Allowances*—(1) *Compensation allowed to civilian physician.* * * *

(iv) The compensation allowed to each civilian physician for the physical examination (including urinalysis but excluding serology and chest X-ray) of applicants for enlistment in the United States Army-United States Air Force (excluding civilian components), when such examinations are authorized by regulations or orders, will be $25 a day, unless the number to be examined is so small that it would be more economical to hire him on a basis of $5 for a single examination and $2 for each additional examination on the same day.

(v) Civilian physicians employed, in the absence of a medical officer or contract surgeon, for the physical examination of officers, enlisted men, or other persons under the provisions of regulations or orders from competent authority, will, except as otherwise provided by competent orders and regulations or directed by The Surgeon General, be paid at the rates prescribed above for the examination of applicants for enlistment, and for each authorized vaccination at the rate of $1 for administration of each dose of vaccine.

[AR 40-505, Dec. 5, 1945, as amended by Cir. 58, Dept. of the Army, 1948] (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-2512; Filed, Mar. 22, 1948; 9:03 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

[Docket No. FDC-50]

PART 36—SHELLFISH; STANDARDS OF IDENTITY AND FILL OF CONTAINER

CANNED OYSTERS

Correction

In Federal Register Document 48-2227, appearing at page 1337 of the issue for Saturday, March 13, 1948, the following changes should be made:

In the tenth line of the third paragraph in the third column on page 1338 the word "increased" should read "increasing".

The headnote of § 36.6 should read: *"Canned oysters; fill of container; label statement of substandard fill."*

TITLE 24—HOUSING CREDIT

Chapter VI—Public Housing Administration

PART 631—WAR HOUSING PROGRAM: POLICY

DISPOSITION OF FEDERALLY OWNED WAR HOUSING PROJECTS

Section 631.4 (12 F. R. 6657), *Disposition of federally owned war housing projects,* is hereby amended, effective upon publication in the FEDERAL REGISTER, in the following particulars:

1. Paragraph (a) (12 F. R. 6657) is amended to read as follows:

(a) *Definitions.* (1) "Government agency" means any executive department, board, bureau, commission, or other agency in the executive branch of the Federal Government, or any corporation wholly owned (either directly or through one or more corporations) by the United States. (The priorities of Government agencies include the priority awarded to RFC to aid sales to veterans and owner-operators of small businesses.)

(2) "State and local governments" means any state, territory, or posesssion of the United States, the District of Columbia, and any political subdivision or instrumentality of any of them.

(3) "Non-profit institution" means any scientific, literary, educational, public health, public welfare, charitable, or eleemosynary institution, or hospital or similar institution, or any volunteer fire company (i) which is supported in whole or in part through the use of funds derived from taxation by the United States, its territories or possessions, or by any State or political subdivision thereof, or (ii) which is exempt from taxation under section 101 (6) of the Internal Revenue Code.

(4) "Public bodies" means educational institutions and local public bodies. "Educational Institution" means (i) any public educational institution, or (ii) any private educational institution, no part of the net earnings of which shall inure to the benefit of any private shareholder or individual. "Local public bodies" includes State and local governments and non-profit corporations which officially represent a local governing body and which will comply with the same terms and conditions in resale or rental as would a local public body.

(5) "Veteran" means (i) a person (or his family) who has served in the military or naval forces of the United States for any period of time on or after September 16, 1940, and prior to the termination of the present war and who has been discharged or released therefrom under conditions other than dishonorable, (ii) a person (or his family) serving in the active military or naval forces of the United States, and (iii) the family of a person who served in the military or naval forces of the United States on or after September 16, 1940 and prior to the termination of the present war and who died in service.

The term "veteran" also includes the widow or orphans of a veteran (as defined above) who died subsequent to his period of service. "Military or naval forces of the U. S." means the Army, Navy, Marine Corps, Coast Guard and, since July 29, 1945, the commissioned corps of the U. S. Public Health Service. The term military or naval forces does not include the Merchant Marine, Red Cross and UNRRA. For purposes of Veterans' Administration loan guaranties, "veteran" is defined by the Veterans' Administration.

For the determination of priority eligibility the word "family", as used herein, shall be limited to the following relatives of the veteran or serviceman: father, mother, spouse, children, step-

children, or widow (or widower), or orphan.

In order for the family of a living veteran to exercise a Class I or AA priority (see paragraph (d) (3) of this section) both the veteran and the family must occupy a dwelling unit in the building to be sold at the time of offering and must intend to continue to occupy such unit.

In order for the family of a living veteran to exercise a class 2 priority both the veteran and the family must intend to occupy a dwelling unit in a building to be sold at the time of offering and must intend to continue to occupy such unit.

A veteran's or serviceman's preference can be exercised successfully only once, whether on behalf of himself or his family and shall be exercised by the veteran who signed the lease for the unit, or such other veteran member of the family as the lessee may designate. However, the veterans or servicemen in the family who do not exercise that right are eligible for another unit for the preference extended to prospective occupant veterans.

(6) "Non-veteran occupant", (who is entitled to Class 3 or 3A preference) is defined as the person who signed the lease for the dwelling unit. If this lessee does not wish to exercise his priority, any other occupant of the dwelling unit will be entitled, with the lessee's consent, to the priority provided that only one non-veteran occupant may exercise such priority.

(7) "Demolition" means reduction of structures to component parts no greater than flat panels.

(8) "Temporary dwelling structure" means any dwelling structure determined to be of temporary character pursuant to section 313 of the Lanham Act, exclusive of trailers and portable shelter structures.

(9) "Portable shelter structure" is a temporary dwelling structure of a panelized character designed so as to be readily movable as a whole and built under a Standard PHA portable shelter unit plan (PFD and PSU or mobile house plan).

(10) "Permanent dwelling structure" means any dwelling structure not determined "to be of a temporary character pursuant to section 313 of the Lanham Act" which is fixed in its present location.

(11) "Demountable dwelling structure" means any dwelling structure not determined "to be of a temporary character pursuant to section 313 of the Lanham Act" which can be demounted and reerected elsewhere.

2. Paragraph (c) (5) (12 F. R. 6658), which relates to the disposition of temporary projects, is amended to read as follows:

(5) *Trailers.* Trailers, when no longer needed in the war housing program, shall be declared surplus to the appropriate disposal agency designated by the WAA for disposal pursuant to the Surplus Property Act of 1944.

However, in special circumstances, where it appears that the public interest will best be served by sales to occupants for off-site removal, such sales may be made by the regional director after approval by the Commissioner and by the Administrator.

3. Paragraph (d) (2) (12 F. R. 6658–9), which relates to the disposition of permanent and demountable projects (on site), is amended to read as follows:

(2) *Plan of sale.* In order to encourage home ownership and to facilitate participation in the disposition program by small investors, projects being offered for sale for private residential purposes shall be subdivided into the smallest feasible units of sale consistent with a practicable plan for their disposition. To these ends, the following plans of sale shall be employed where feasible and applicable.

(Plans 1, 2 and 3 shall be employed when: (1) The buildings are physically separable for disposition purposes, (2) there is a market for such buildings, and (3) their sale will not unduly interfere with the expeditious disposition in the public interest of other buildings in the project which cannot be sold under Plans 1, 2 or 3.)

Plan 1: Buildings containing one or two units shall be offered at fixed prices, building by building, to one purchaser per building: *Provided,* That the purchaser will occupy one of the units.

Plan 2: Buildings containing 3 or 4 units shall be offered at fixed prices, building by building, to groups of purchasers (including corporations) for their own occupancy, or to individuals where the individual purchaser of a building will occupy one of the dwelling units.

Plan 3: Buildings containing more than 4 units shall be offered at fixed prices, building by building, to groups of purchasers (including corporations) for their own occupancy.

Plan 4: Where a project or portion cannot be subdivided in accordance with Plan 1, 2 or 3, such project or portion shall be offered by groups of buildings in the smallest units of sale, but where such subdivision is not feasible, the project or portion shall be offered as an entity. The offerings may be made at fixed prices to groups of purchasers (including corporations) for their own occupancy.

Plan 5: Projects or portions which cannot be sold at fixed prices for occupancy by purchasers in accordance with the foregoing plans shall be offered by competitive bid to investors.

4. Paragraph (d) (11) (12 F. R. 6660), which relates to occupancy, rent and sale regulations for the disposition of permanent and demountable projects (on site), is amended by the amendment of subdivision (iv) and the addition of a new subdivision (v) as follows:

(iv) Until January 1, 1950, first preference in resale, rental, or sublease of dwelling units previously sold by PHA shall be given to veterans or servicemen as defined in this section (except in the case of resale of dwelling accommodations in a group of five or more sold by PHA to an investor under Sale Plan 5). Such preference shall be deemed to have been complied with only if the unit being sold or available for rental is publicly offered in good faith for sale or rent to veterans for a period of at least 30 days at a sale or rental no higher than that at which it is later offered (or for which it is later sold or rented) to other than a veteran.

(v) In the case of permanent and demountable properties sold on site, which are sold as individual buildings or as groups of buildings or as portions of a project, restrictive covenants limiting the residential property to continued residential use shall be included in the individual deeds or in a separately recorded covenant, if the regional director finds that adequate zoning is not provided and such restrictive covenants are necessary to protect the purchasers and the mortgagees. If the project is sold as a whole, restrictive covenants as to the continued residential use of such property shall not be included in the deed since the mortgagee can protect his interest by requiring such restrictive covenant in the mortgage if he deems it necessary.

(54 Stat. 1125; 42 U. S. C. 1521)

JOHN T. EGAN,
Acting Commissioner.

[F. R. Doc. 48-2457; Filed, Mar. 22, 1948; 9:04 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

[CGFR 48-11]

Appendix A—Waivers of Navigation and Vessel Inspection Laws and Regulations

CONTINUATION IN EFFECT OF CERTAIN ORDERS WAIVING COMPLIANCE WITH NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

Pursuant to the authority vested in the Commandant, U. S. Coast Guard, by the act of March 31, 1947 (Public Law 27), as amended by the act of July 31, 1947 (Public Law 293, 80th Cong., first Sess.), and by section 2 of the act of February 27, 1948 (Public Law 423, 80th Cong., second Sess.), I hereby find that the continuation of all currently effective waiver orders, including regulations and instructions relating thereto, and affecting laws and regulations relating to navigation and vessel inspection administered by the Coast Guard, is presently necessary in the orderly reconversion of the merchant marine from a wartime to a normal peacetime basis. Accordingly, all such orders, regulations, and instructions are hereby ratified, affirmed and continued in force until modified, superseded or rescinded. The waiver order of the Commandant, U. S. Coast Guard, dated April 1, 1947, and published in the FEDERAL REGISTER on April 2, 1947 (12 F. R. 2168), bearing the same title as this order is hereby rescinded, effective on publication of this document in the FEDERAL REGISTER.

(Pub. Laws 27, 293, 423, 80th Cong.; 61 Stat. 33, 685)

Dated: March 16, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 48-2474; Filed, Mar. 22, 1948; 9:05 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

United States Coast Guard

[46 CFR, Appendix A to Ch. I]

[CGFR 48-16]

WAIVERS OF INSPECTION AND NAVIGATION LAWS AND REGULATIONS; MANNING REQUIREMENTS

MERCHANT MARINE COUNCIL PUBLIC HEARING; NOTICE OF PROPOSED CHANGES

1. The Merchant Marine Council will hold a public hearing on March 31, 1948, in Room 4120, Coast Guard Headquarters, 13th and E Streets NW., Washington, D. C., at 2:00 p. m., to consider all the comments, data, and views of persons having an interest in the revision of the outstanding procedures for effecting waivers of manning requirements. All persons who desire to submit written comments, data, and views prior to the hearing for consideration in connection with the proposed waivers may submit them in writing for receipt prior to March thirty-first by the Commandant (CMC), Coast Guard Headquarters, Washington 25, D. C.; or comments may be presented orally or in writing at the hearing.

2. Under Public Law 27, as amended by Public Laws 293 and 423 (80th Congress), the Commandant of the United States Coast Guard is authorized to waive compliance with the navigation and vessel inspection laws administered by the Coast Guard to the extent and in such manner and upon such terms as may be deemed necessary by him in the orderly reconversion of the merchant marine from wartime to peacetime operations. This authority to grant waivers was extended by Public Law 423 until March 1, 1949. The actions proposed in paragraph 3 below are in the interest of promoting safety at sea and on the basis of the current manning situation. The present procedures for relaxing manning requirements are explained in detail in Coast Guard's Navigation and Vessel Inspection Circular No. 8-47, dated August 21, 1947.

3. It is proposed to modify the present procedures for effecting waivers of manning requirements by the following actions:

(a) Continue without change the present procedure for the application and granting of individual waivers by District Commanders or their representatives.

(b) Rescind the "Conditional Waiver of Manning Requirements," dated May 14, 1947, and published in the FEDERAL REGISTER dated May 20, 1947 (12 F. R. 3248), which permits the substitution of lower ratings for higher ones. In its stead publish a general conditional waiver authorizing the employment of up to 50 percent of limited able seamen (12 months—any waters) instead of the present 25 percent allowed by law. This waiver will require the filing of no forms, but will be conditioned upon the nonavailability of properly certificated able seamen and will have applicability only to merchant cargo vessels and tank vessels. Since such proposed waiver would not afford a workable solution for Great Lakes vessels, it is also proposed to allow the substitution of ordinary seamen with at least eight months' service for able seamen on Great Lakes vessels. The 50 percent referred to will be 50 percent of the able seamen required by law and as specified in the vessel's certificate of inspection.

Comment: This proposed waiver should act to encourage ordinary seamen who are sailing trip after trip on vessels as acting able seamen to take the necessary physical and professional examinations and obtain a limited able seaman's certificate. A recent survey has shown that over 70 percent of all crew substitutions made during the past year were for certificated ordinary seamen to act as able seamen.

(c) Administratively provide for the substitution of lower ratings for qualified members of the engine department and persons not holding the proper grade of license for required officer billets in emergent cases by individual waivers approved by the District Commander or his representative.

Comment: The recent survey referred to in the comment under paragraph (b) above indicated that there is only an occasional shortage in ratings other than able seamen and to a lesser degree in properly licensed officers.

(d) Continue the general conditional waiver of manning requirements which allows war service aliens to serve on subsidized vessels when citizen seamen are not available, dated July 31, 1947, and published in the FEDERAL REGISTER August 6, 1947 (12 F. R. 5342), but reduce the present allowable percentage of war service aliens from 25 percent to 15 percent.

Comment: This proposal is made to comply with the intent of Public Law 293 and is based on a recent survey indicating that an average of about 13 percent aliens have been employed on subsidized vessels under this waiver authority.

Dated: March 22, 1948.

J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 48-2634; Filed, Mar. 22, 1948; 11:42 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 55]

SAMPLING, GRADING, GRADE LABELING, AND SUPERVISION OF PACKAGING OF BUTTER, CHEESE, EGGS, POULTRY, AND DRESSED DOMESTIC RABBITS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of instructions governing plants operating as official plants processing and packaging dairy products pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1948 (Pub. Law 266, 80th Cong., 1st Sess., approved July 30, 1947).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed instructions shall file the same in quadruplicate with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after the publication of this notice in the FEDERAL REGISTER.

The proposed instructions are as follows:

§ 55.103 *Instructions governing plants operating as official plants processing and packaging dairy products*—(a) *Definitions.* (1) "Rules and regulations in this part" means the rules and regulations governing the sampling, grading, grade labeling, and supervision of packaging of butter, cheese, eggs, poultry, and dressed domestic rabbits (7 CFR, 1946 Supp., Part 55).

(2) "Dairy products" means any one or more of the following products: Butter, cheese (whether natural or processed), milk, cream, and milk products (whether dry) evaporated, or condensed).

(3) "Milk" means cows' milk.

(4) "Regional supervisor" means the regional supervisor or assistant regional supervisor, Dairy Products Section, Dairy and Poultry Inspection and Grading Division of the Administration, in charge of the grading service in a designated geographical area.

(5) "Bactericidal treatment" means to subject to an acceptable germicidal agent.

(6) All other terms which are used herein shall have the meaning applicable to such terms when used in the rules and regulations in this part.

(b) *Survey of plant and premises.* Prior to the inauguration of continuous inspection in a plant, the regional supervisor serving the area in which the plant is located will make a survey and inspection of the plant and premises to determine whether the facilities and methods of operation therein are suitable and adequate for grading service in accordance with (1) the rules and regulations in this part, (2) the instructions and requirements contained in this section, and (3) such further instructions and requirements, based upon the aforesaid instructions (i) which may hereafter be issued with respect to minimum requirements, facilities, operating methods and procedures, raw materials, and sanitation in official plants and (ii) which are in effect at the time of the aforesaid survey and inspection.

(c) *Premises and plant*—(1) *Premises.* The premises of an official plant shall be free from conditions (including, but not

being limited to, strong offensive odors) objectionable to a food processing operation and there shall be an efficient drainage system for the premises.

(2) *Building.* Each official plant shall be maintained in a sanitary condition, including, but not being limited to, the following requirements:

(i) There shall be abundant light (whether natural or artificial, or both) which is well distributed, and sufficient ventilation for each room and compartment thereof to prevent excessive condensation of moisture, so as to insure sanitary and suitable processing and operating conditions.

(ii) There shall be an efficient waste disposal and plumbing system for each such plant. All drains and gutters shall be properly installed with approved traps and vents, and shall be maintained in good repair and in proper working order.

(iii) There shall be an ample supply of both hot and cold water; and the water shall be of safe and sanitary quality with adequate facilities for its (*a*) proper distribution throughout the plant and (*b*) protection against contamination and pollution.

(iv) The walls, ceilings, partitions, posts, doors, and other parts of all structures constituting the plant shall be of such materials, construction, and finish as to permit their efficient and thorough cleaning. The floors shall be constructed of tile, cement, or other equally impervious material and shall be free from openings or rough surfaces which would interfere with maintaining the floors in a clean condition.

(v) Each room and each compartment in which any dairy products are handled, processed, or stored (*a*) shall be so designed and constructed as to insure processing and operating conditions of a clean and orderly character, (*b*) shall be free from objectionable odors and vapors, (*c*) shall be maintained in a clean and sanitary condition, and (*d*) shall possess sufficient refrigerating capacity for the maintenance of proper storage temperatures to protect the quality and condition of the dairy products stored.

(vi) Every practicable precaution shall be taken to exclude dogs, cats, and vermin (including, but not being limited to, rodents and insects) from the official plant in which any dairy products are handled or stored. Screens or other devices adequate to prevent the passage of insects shall be provided for all outside doors and windows that may be opened from time to time. The use of poisons for any purpose in any official plant where any dairy products are processed, handled, or stored is forbidden except under such restrictions and precautions as the Chief, or Acting Chief, of the Dairy and Poultry Inspection and Grading Division of the Administration may prescribe.

(3) *Facilities.* Each official plant shall be equipped with adequate sanitary facilities and accommodations, including, but not being limited to, the following:

(i) There shall be a sufficient number of adequately lighted dressing rooms and toilet rooms, ample in size and conveniently located. Such rooms shall not open directly into rooms or compartments in which any dairy products are handled, processed, or stored. The doors on all toilet rooms shall be self-closing. The dressing rooms and toilet rooms shall be separately ventilated, and shall meet all requirements as to sanitary construction and equipment.

(ii) Lavatory accommodations (including, but not being limited to, hot and cold running water, soap, and single service towels) shall be placed at such locations in the processing and packaging rooms of the official plant as may be essential to assure cleanliness of each person handling any dairy products.

(iii) Clean, white or light-colored outer garments and caps shall be worn by all persons engaged in receiving, testing, processing, or packaging any dairy products, except that hair nets may be substituted for caps.

(iv) No product or material which creates an objectionable condition shall be processed, handled, or stored in any room, compartment, or place where any dairy products are processed, handled, or stored.

(v) Suitable facilities for cleaning and bactericidal treatment of utensils and equipment shall be provided at convenient locations throughout the official plant.

(4) *Equipment and utensils.* All equipment and utensils used for receiving, segregating, transporting, holding, processing, packaging, and storing any dairy products shall be of such design, material, and construction as will (i) enable the examination, segregation, and processing of such dairy products in an efficient, clean, and satisfactory manner, and (ii) permit easy access to all parts to insure thorough cleansing and effective bactericidal treatment. Insofar as it is practicable, all such equipment and utensils shall be made of stainless steel or other equally corrosion-resistant and non-copper-bearing material that will not adversely affect the product by chemical action or physical contact. Such equipment and utensils shall be maintained in good repair and sanitary condition.

(d) *Raw materials.* (1) The minimum requirements governing the use of raw materials in the manufacture of dairy products will be those set forth in the respective contracts pursuant to which continuous inspection is made available to an applicant.

(2) The grading and segregation of all raw materials used in the processing of dairy products shall be based on quality determinations including, but not being limited to, (i) physical examination at time of delivery and (ii) tests for sediment and bacterial content.

(3) All milk and cream delivered to an official plant shall, while in transit from the farm where produced, be adequately protected from extreme temperatures, dust, and other adverse conditions.

(e) *Operations and operating procedures.* (1) All operations in the receiving, transporting, segregating, holding, processing, packaging, and storing of dairy products shall be strictly in accord with clean and sanitary methods and shall be conducted as rapidly as is practicable and at temperatures that will not tend to cause (i) any material increase in bacterial content, or (ii) any deterioration or contamination of such products.

(2) All dairy products shall be subjected to continuous inspection throughout each processing operation. All dairy products which are not processed in accordance with the instructions contained in this section or are not fit for human food shall be removed and segregated prior to any further processing operation in connection with the production of dairy products which are to be identified with official identification.

(3) All substances and ingredients used, or added, in the processing of any dairy products shall be clean and fit for human food.

(4) The methods and procedures employed in the receiving, segregating, and processing of raw materials in an official plant shall be adequate to result in a satisfactory finished product. If, to assure a satisfactory finished product, changes in methods and procedures are recommended by the regional supervisor serving the area in which the plant is located, such changes shall be effectuated as soon as practicable.

(5) Packages or containers for dairy products shall be clean when being filled with any such products; and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such products.

(f) *Personnel; health.* (1) No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted in any room or compartment where exposed or unpacked dairy products are prepared, processed, or otherwise handled.

(2) Spitting or smoking is prohibited in each room and in each compartment where any exposed or unpacked dairy products are prepared, processed, or otherwise handled.

(3) All necessary precautions shall be taken to prevent the contamination of dairy products with any foreign substance (including, but not being limited to, perspiration, hair, cosmetics, and medicaments).

(g) *Final inspection of dairy products.* Representative samples from each lot of dairy products shall be inspected or caused to be inspected for class, quality, and condition by the official resident inspector. Where laboratory analysis is required to determine class, quality, and condition, the official resident inspector will select representative samples from each lot of dairy products for analysis by a technician officially licensed by the Administrator.

(h) *Official identification.* (1) Only dairy products manufactured or processed in accordance with the instructions in this section and the rules and regulations in this part may be identified with official identification.

(2) Sketches, proofs, or photostatic copies of all proposed packaging materials, grade labels, and inspection marks to be used as official identification

should be submitted to the Chief of the Dairy and Poultry Inspection and Grading Division, PMA, U. S. Department of Agriculture, Washington 25, D. C., for tentative approval prior to acquisition of a supply of material bearing such identification.

(3) Finished copies, in triplicate, of the tentatively approved packaging materials, grade labels, and inspection marks shall be transmitted to the Chief of the Dairy and Poultry Inspection and Grading Division, PMA, U. S. Department of Agriculture, Washington 25, D. C., for final approval prior to their use as official identification.

Done at Washington, D. C., this 18th day of March 1948.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 48-2519; Filed, Mar. 22, 1948; 8:45 a. m.]

[7 CFR, CH. IX]

[Docket No. AO-189]

HANDLING OF IRISH POTATOES GROWN IN SOUTHEASTERN STATES

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159, 4904) notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in the Southeastern States production area, to be made effective pursuant to the provisions of the Agricultural Marketing Act of 1937, as amended (7 U. S. C. 601 et seq.). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1846, South Building, United States Department of Agriculture, Washington 25, D. C. not later than the close of business on the tenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed marketing agreement and marketing order were formulated, was held at Elizabeth City, North Carolina on January 12–13, 1948, at New Bern, North Carolina on January 15, 1948, at Charleston, South Carolina, on January 19, 1948, and at Parksley, Virginia on January 22-23, 1948, pursuant to notice thereof, containing a proposed marketing agreement and order sponsored by a committee of potato producers and handlers from North Carolina, South Carolina, and Virginia and certain changes, additions and substitutions in, to and for the aforesaid marketing agreement and order proposed by the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington, D. C., which was published in the FEDERAL REGISTER (12 F. R. 8838, 13 F. R. 8).

The material issues presented on the record of the hearing were: (1) The desirability of and economic justification for entering into a marketing agreement and for issuing a marketing order regulating the handling of Irish potatoes grown in the Southeastern States production area.

(2) The necessity to define and the equitable scope of definitions for "Secretary", "act", "person", "production area," "potatoes", "handler", "ship", "producer", "fiscal year", "committee", and "district".

(3) The necessity for administering the marketing agreement and order through an administrative committee and the equitable nature of provisions pertaining to its (a) establishment and membership, (b) term of office, (c) initial committee members and alternates (d) nominations, (e) selection, (f) failure to nominate, (g) acceptances, (h) vacancies, (i) alternate members, (j) procedure, (k) expenses and compensation, (l) powers, (m) duties, and (n) obligations.

(4) The desirability of and justification for authorization and establishment of district committees which may act in an advisory capacity to members of the Southeastern Potato Committee.

(5) The necessity for the Southeastern Potato Committee to incur expenses essential for its operation and the necessity for levying assessments in an equitable manner against shipments of potatoes through handlers to defray such expenses.

(6) The necessity for accounting for assessments received by the commmittee and expenses paid by it, as well as accounting for funds and other property on hand, and providing for appropriate distribution of excess or unclaimed funds which may be in the hands of the committee.

(7) The necessity for regulating shipments of potatoes grown in the production area by limiting grades and sizes which may be handled in order to effectuate the purposes of the Act, and the necessity for regulating the shipments of potatoes grown in the area by limiting shipments to minimum standards of quality that serve the public interest when prices for potatoes grown in the production area are above parity, and the desirability of pursuing such objectives through the means provided in the proposed marketing agreement and order as contained in the notice of hearing, supra, and the equitable nature of such means which provide that:

(a) The Southeastern Potato Committee shall outline a marketing policy each year prior to the opening of the marketing season;

(b) The committee shall be authorized to investigate supply and demand conditions for potatoes grown in the production area and to make recommendations to the Secretary for regulation of potato shipments by limiting the grades and sizes which may be shipped;

(c) The Secretary shall limit the shipment of potatoes from the production area whenever he finds, from the recommendations and data submitted by the committee, or from other information, that to do so would tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended;

(d) Whenever the Southeastern Potato Committee recommends, upon the basis of their investigation and consideration of appropriate relevant factors, and the Secretary finds that to do so would tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended and it would be in the public interest, he shall limit the shipment of any or all varieties of potatoes to certain minimum standards of quality and maturity, and the Southeastern Potato Committee may recommend, under appropriate conditions, that such regulations shall be modified, suspended, or terminated, and that the Secretary may modify, suspend, or terminate such minimum standards of quality or minimum standards of maturity regulations for a specified period or for an indefinite period;

(e) Whenever the Southeastern Potato Committee recommends, and the Secretary approves, inspection and certification of potato shipments from the production area may be required;

(f) Exemption of shipments shall be provided, through appropriate procedural rules, whereby any producer who is unable to ship as large a proportion of his potatoes, by reason of a regulation, as the average of all producers in said producer's district so that such producer will be permitted to ship as large a proportion of his potatoes as the average of all producers; appeals from the action of the committee in handling applications by producers for exemption are allowed, subject to the right of the Secretary to modify, change, alter, or rescind any procedural rules or any exemptions granted pursuant thereto; records shall be maintained by the committee and a weekly report furnished to the Secretary showing the applications for exemptions received, exemptions granted, exemptions denied, and shipments made under exemption.

(8) The necessity for the regulation of surplus Irish potatoes and the necessity for and the equitable nature of provisions providing that (a) the committee, whenever it finds that a surplus of Irish potatoes exists, shall determine the extent of such surplus and recommend to the Secretary the control and disposition of such surplus and, (b) whenever the Secretary finds from recommendations and information supplied by the committee or from other information that the control and disposition of surplus will tend to effectuate the declared policy of the act, he shall control and dispose of such surplus potatoes and shall further provide for equalizing the burden of such surplus elimination and control among producers and handlers and, (c) the committee is authorized to enter into contracts or agreements with any person, agency, or organization, for

the purpose of facilitating the disposition of surplus potatoes and, (d) the Secretary may designate the committee to assist in carrying out any program of surplus regulation.

(9) The necessity for and equitable nature of provisions providing for exemption from regulation of: (a) Potatoes shipped for consumption by charitable institutions or for distribution by relief agencies, (b) potatoes shipped for manufacturing or conversion into by-products, and, (c) upon the recommendation of the committee, potatoes shipped for livestock feed or for other specified purposes.

(10) The necessity for and equitable nature of the provisions of sections 8 through 21, inclusive, as published in the FEDERAL REGISTER on December 27, 1947 (12 F. R. 8838), which are common to marketing agreements and orders, and which sections provide for: 8. Reports; 9. Compliance; 10. Right of the Secretary; 11. Effective time and termination; 12. Effect of termination or amendment; 13. Duration of immunities; 14. Agents; 15. Derogation; 16. Personal liability; 17. Separability; 18. Amendment; 19. Counterparts; 20. Order with marketing agreement; 21. Additional parties.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof are as follows:

(a) Certain terms, applying to specific individuals, agencies, legislation, concepts, or things, are used throughout the proposed marketing agreement and order. These terms should be defined for the purpose of specifically designating their applicability and establishing appropriate limitations to their meaning wherever they are used in the proposal and to preclude the burdensome necessity of redefining them when they are later used in the proposed marketing agreement and order. These definitions are necessary and incidental to the operation of the marketing agreement (hereinafter called the agreement) and order and for the effectuation of the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter called "act"). The definitions, "Secretary", "act", "person", "potatoes", "producer", and "fiscal year", as contained in the proposal set forth in the notice of hearing, were not in controversy at the hearing and are similar to or identical with definitions used in other similar marketing agreements and orders. Evidence at the hearing shows that these definitions are self-evident, due to their sources, or they are commonly accepted by growers, shippers, and other interested parties in the potato industry of the Southeastern States potato production area. They should be defined as they are shown in the agreement and order hereinafter set forth.

(b) "Production area" should be defined to include the counties of Accomack, Northampton, Princess Anne, Nansemond, Norfolk, and James City in the State of Virginia, and Northampton, Gates, Hertford, Bertie, Chowan, Perquimans, Pasquotank, Currituck, Camden, Halifax, Nash, Edgecombe, Pitt, Martin, Washington, Tyrrell, Dare, Hyde, Beaufort, Pamlico, Craven, Carteret, Onslow, Jones, Scotland, Hoke, Harnett, Robeson, Cumberland, Sampson, Johnston, Wilson, Wayne, Greene, Lenoir, Duplin, Bladen, Columbus, Pender, New Hanover, and Brunswick counties in the State of North Carolina. These counties produce the bulk of early commercial Irish potatoes grown in Virginia and North Carolina. They constitute the most important early commercial potato production area in any state between the north Florida line and New Jersey. The counties of Princess Anne, Nansemond, Norfolk, and James City comprise the most important potato producing counties in the so-called Norfolk district within the production area. The other twenty-two Virginia counties which were included in the proposed production area in the notice of hearing should not be included in the definition of production area which is now being recommended because these counties are considered unimportant as commercial producers of potatoes. The acreage of early commercial potatoes in these twenty-two counties is so small and scattered that Federal-State inspection in each of these counties would be impractical, as also would enforcement of the marketing agreement and order. Undue expense would be incurred in attempting operation of a marketing agreement and order in these counties. Thirteen of these counties had no potato acreage alloted to them in 1947. The four counties, Princess Anne, Nansemond, Norfolk, and James City, had ninety percent of the early commercial acreage in the twenty-six counties originally proposed as the so-called Norfolk district part of the production area. Counties in South Carolina and in Maryland, as contained in the original notice of hearing, are not included in the definition of production area as proposed in this recommended decision because growers and handlers in each of these areas were opposed to their inclusion on the ground that growing and marketing conditions in these areas were not as similar to such conditions in North Carolina and Virginia as they were to such conditions in other areas. The six counties in Virginia and the forty-one counties in North Carolina, enumerated above, constitute the smallest practical Southeastern States production area and the "production area" should therefore be defined to include only such counties. The definition is necessary to and must be incorporated in the marketing agreement and order for the general reasons set forth under (a) above, and because it is necessary to delineate the area from which the handling of Irish potatoes is to be regulated.

(c) A definition of "handler" should be incorporated in the marketing agreement and order because the burden of regulation falls on handlers. Such definition is necessary for the general reasons set forth in (a) above, and it should include terminology bringing all persons, otherwise defined in the marketing agreement and order, shipping Irish potatoes in the form in which they are extracted from the soil, except persons acting as mere transporting agents of handlers, within the ambit of the definition. Such exception in the production area should be limited to contract and common carriers because they perform such transportation function at either a "flat job rate" or on the basis of a "rate per ton-mile" and neither of such carriers have a proprietary interest in the commodity moved. The definition should be linked with shipment of Irish potatoes because the program is predicated on the regulation of shipments in interstate commerce or shipments directly burdening, obstructing, or affecting such commerce. Producers who ship potatoes of their own production should be handlers under the definition because they have a proprietary interest in the commodity moved and because they are performing a marketing function in effecting such shipments. It is a common and usual practice in marketing potatoes from this production area to have such potatoes graded by persons who operate grading machinery or grading sheds; such persons are commonly known as graders. Although the primary function of such graders is the preparation of the potatoes for market, the person who is responsible for operating such graders frequently sells some lots of potatoes either for his own account or for the account of growers for whom he is doing custom or flat fee grading. Whenever a grader, as the term is used above, disposes of potatoes by sale he thereby becomes by reason of such sale a handler and he should be placed in the same classification for purposes of regulation as other persons who sell or ship potatoes. Handler should therefore be defined as set forth in the notice of hearing.

(d) A definition of "ship" is incorporated in the marketing agreement and order for the general reasons set forth in (a) above, and to indicate the activity of handlers which will be regulated. Evidence introduced at the hearing shows that all Irish potatoes grown in the production area and shipped, within the definition of that term hereinafter set forth, either enter the current of interstate or foreign commerce or that all potatoes so shipped directly burden, obstruct or affect, such commerce, and that regulation of all such shipments would simplify enforcement problems under the marketing agreement and order. Such evidence further shows that some shipments of Irish potatoes to destinations or markets within the state of origin directly burden, obstruct or affect interstate commerce in that they displace shipments from outside the state which would otherwise supply such markets. In addition, evidence shows that some shipments which leave points of origin within the state allegedly for destinations within the state frequently terminate at points outside the state and that it would cause an impractical and unreasonable enforcement burden to allow such shipments for alleged intrastate destinations to move without complying with regulations then in effect. To permit such intrastate shipments to be free from regulation would jeopardize the effectiveness of the regulation of interstate or foreign commerce in potatoes. Under such circumstances, it is hereby found and concluded that regulations

should be applicable to all shipments in interstate or foreign commerce and to all shipments directly burdening, obstructing or affecting such commerce, as hereinafter set forth, and that the application of such regulation to intrastate shipments should be required when such shipments directly burden, obstruct or affect interstate commerce. The incorporation of this definition in the marketing agreement and order is necessary and incidental to accomplishment of the declared purposes of the act.

(e) The Southeastern Potato Committee means the administrative body which acts as the agent of the Secretary in the operation of the marketing agreement and order. Such committees are authorized by the act and they are necessary and incidental to operation of the marketing agreement and order and to effectuate the declared purposes of such act. The designation "Southeastern Potato Committee" is sufficiently distinctive to prevent confusion with other existing or possible administrative bodies. This definition is incorporated in the marketing agreement and order for the general reasons enumerated in (a) above, as well as for the reasons herein set forth. The definition should, therefore, be as set forth in the notice of hearing.

(f) The "Southeastern Potato Committee" (hereinafter called "committee"), consisting of twelve members, of whom 6 shall be producers and 6 shall be handlers, should be established to act as the agent of the Secretary pursuant to the act. There should be an alternate member for each member of the committee in order to provide continuity of operation in case of vacancies. Twelve members will provide adequate and fair representation on both a geographic and a production basis.

Initial members of the committee should be selected by the Secretary for a term of office ending at midnight October 31, 1948, and until their successors are selected and qualified. Selections of initial members of the committee may be made from lists of nominees supplied by producer groups or by handler groups, or by associations operating in and representative of producers and handlers in the producing area. If successors have not been selected, or if selectees have not qualified by the end of the current fiscal period, the initial members should continue to function until their successors have been selected and have qualified in order to provide continuity of operations.

The term of office of members and alternates of the committee, except for the initial members, should be on the basis of fiscal periods, i. e., beginning on the first day of November and continuing until and including the following October 31.

Nominations for committee membership, except for initial members and their alternates, should be determined by elections at assembled meetings in each district in which producers and handlers of such district may participate. The committee should appoint appropriate officials to conduct such elections. The committee should provide ample notice of their determinations of such proposed elections in each district by using newspapers, mail, and other means of communication. The committee should provide forms on which eligible voters may list their choices for nominees prior to September 15 of each year. Lists of nominees, certified by appropriate election officials, should be forwarded via the committee to the Secretary not later than fifteen days prior to the end of each fiscal year.

Each producer and each handler should be eligible to cast one vote for each of the designated number of nominees in the district in which he qualifies as a producer or as a handler. Votes should not be cumulated for any one nominee. A person qualifying as a producer or as a handler in more than one district should elect the district in which he chooses to exercise his voting rights.

The production area, as proposed by the growers' proponents' committee in the notice of hearing, is divided into 6 geographical districts for purposes of election of nominees for membership on the Southeastern Potato Committee and for purposes of administration by the committee. Accomack County in the State of Virginia comprises District No. 1. Northampton County in Virginia comprises District No. 2. Potato acreage in each of these counties in the Eastern Shore of Virginia is concentrated so that each county or district includes a greater total acreage than any of the other districts set up in the proposal. These counties have been heavy producers of potatoes for several decades. This area is a heavy producer of vegetables in which potatoes comprise one of the important crops. District No. 3 comprises Princess Anne, Nansemond, Norfolk and James City counties which are westward across the bay from Districts 1 and 2. Each of these counties is relatively close to Norfolk. They comprise a well known potato producing area. The so-called "Norfolk area" is commonly referred to in trade circles and such reference is readily understood by persons acquainted with production and handling of potatoes in Atlantic coast states. Witnesses for the proponents committee presented evidence substantiating that District No. 3 should be limited to these four counties rather than to the twenty-six counties contained in the original proposal published in the hearing notice because the other twenty-two counties either have only an insignificant or no potato acreage. Substantial evidence at the hearing shows that potato acreage in the twenty-two counties which were recommended for exclusion is not sufficient to support inspection service in those counties. The four counties which were recommended for inclusion comprise 90 percent at least of the early commercial potato acreage in the so-called Norfolk area. District No. 4 should comprise the following counties: Northampton, Gates, Hertford, Bertie, Chowan, Perquimans, Pasquotank, Currituck, and Camden counties in the State of North Carolina. District No. 5 should comprise the following counties: Halifax, Nash, Edgecombe, Pitt, Martin, Washington, Tyrrell, Dare, Hyde, Beaufort, Pamlico, Craven, Carteret, Onslow, and Jones counties in the State of North Carolina. District No. 6 should comprise the following counties: Scotland, Hoke, Harnett, Robeson, Cumberland, Sampson, Johnston, Wilson, Wayne, Greene, Lenoir, Duplin, Bladen, Columbus, Pender, New Hanover, and Brunswick counties in the State of North Carolina. This division of districts in the State of North Carolina follows a natural geographic differentiation which is commonly recognized by persons involved in the potato industry of North Carolina and Virginia. It is unnecessary to establish District Nos. 7 and 8 as contained in the notice of hearing. The evidence does not warrant the incorporation of any portion of South Carolina or the counties of Somerset, Wicomico and Worcester in the State of Maryland in the production area. The production area should be divided into Districts 1 to 6 inclusive as outlined above to provide an appropriate and equitable basis for selection of producer and handler members of the Southeastern Potato Committee and to provide an appropriate basis for the committee's administration.

Representation on the committee is apportioned according to districts. Two members shall be from each district, number 1 to 6, inclusive, as referred to and outlined in section 1 (k) of the proposed marketing agreement and order contained in this recommended decision. This committee representation, with respective alternates, will provide adequate and equitable representation on a geographic and production basis. Twelve committee members, with representation by one producer member and one handler member from each district and with procedural rules requiring that nine members must be present to constitute a quorum and that nine members must concur in their voting to validate any committee action, provides a committee of sufficient size to give adequate representation to producers and handlers, to maintain a committee of practical workable size, and to provide assurance that committee actions reflect the will of at least a majority of the producers' and handlers' representatives. Two nominees should be presented by producers and handlers for each position as committee member and for each position as alternate member, in order for the Secretary to have a choice in selecting committee members and alternates. If nominations for committee members and alternates are not supplied to the Secretary by October 15 of each year, the Secretary should be allowed to select members without regard to nominations and such selections should be on the basis of the aforesaid representation from each district. Any person who is selected by the Secretary as a member or as an alternate member of the committee should qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

Authority to fill any vacancy in the committee membership, or among alternates, should be retained by the Secretary in order to maintain continuity of operation which is necessary and incidental to the administration of the marketing agreement and order and for the effectuation of the declared purposes of the act.

Any person, who is either a member or alternate committee member, who

vacates his membership or alternate membership for any reason, should account for all receipts and disbursements which have come into his possession as such member or alternate and such vacating member or alternate should deliver all property including funds, books, records, etc., to his successor or to a trustee designated by the Secretary. Such vacating member should execute an assignment and other instruments as may be necessary or appropriate to vest in such successor or trustee full title to all of the property, funds, and claims vested in such vacating member.

An alternate member should be authorized to act in the place and stead of the member for whom he is alternate during such member's temporary absence. Continuity of operation of the marketing agreement and order on a representative basis is better assured by such authorization. Similarly, an alternate should be authorized to act in a member's absence when such absence is due to death, removal, resignation, or disqualification of the member. Such authorization should provide that the alternate can act in place and stead of the member for whom he was alternate until a successor for the member has been selected and has qualified.

It is necessary and incidental to the operation of the marketing agreement and order and the effectuation of the purposes of the act that the committee should be authorized to provide for meetings by telephone, telegraph, or other means of communication. Any vote by members at such disassembled meetings should be promptly confirmed in writing. In any assembled meeting all votes should be cast in person.

The necessary expenses of committee members should be provided when they are acting on committee business. A per diem compensation of not to exceed $5.00 for each day spent in attendance at committee meetings should be allowed.

The powers of the committee, as authorized by the act, namely, to administer the marketing agreement and order, to make necessary rules and regulations to effectuate the terms and provisions of the marketing agreement and order, to receive, investigate, and report to the Secretary complaints of violations of the provisions of the marketing agreement or order, and to recommend amendments, should be granted to the Southeastern Potato Committee.

Duties, as outlined in the notice of hearing, should be given to the committee. These duties, namely: (1) To act as intermediary between the Secretary and any producer or handler; (2) to keep minutes, books, and records reflecting all acts and transactions of the committee, which shall be subject to examination at any time by the Secretary; (3) to investigate the growing, shipping, and marketing conditions for potatoes and to assemble data thereon and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary; (4) to furnish the Secretary such available information as he may request; (5) to select a chairman and such other officers as may be necessary, and to adopt such rules and regulations for conduct of its business as it may deem advisable; (6) to submit a budget of its expenses, with report thereon, at the beginning of each fiscal year; (7) to have the committee's books audited at least each year and to furnish a copy of such audit to the Secretary; (8) to appoint such employees, agents, and representatives as it may deem necessary, and to determine the salary and define the duties of each such person, and (9) to confer with other marketing agreement and order committees in other states and areas, are necessary and incidental to the operation of the committee under the marketing agreement and order and for the effectuation of the declared purposes of the act.

All of the findings hereinbefore set forth under (f) are predicated on evidence introduced at the hearing on proposals contained in the notice of hearing and proposed by the growers' proponents committee and by the Fruit and Vegetable Branch, Production and Marketing Administration. Marketing agreement and order provisions hereinafter set forth will provide for expeditious establishment of orderly and continuous operation of, and equitable representation of producers and handlers on, the administrative body, known as the Southeastern Potato Committee, which will be the agency through which the Secretary will perform his administrative duties under the act in connection with such marketing agreement and order, all of which objectives are contemplated by the aforesaid evidence and the act.

The record of hearing shows that a district committee should be elected in each district as defined in section 1 (k). Each such committee is to be composed of growers and handlers. Their purpose is to assist the committee members from each respective district in discharging the duties and responsibilities of such committee members under the marketing agreement and order.

The original notice of hearing provided for such district committees, although membership thereon was to be selected by the respective committee member for each district. The record contains substantial evidence which shows that growers and handlers in the producing area prefer membership on such district committees should be elected in the same manner as the nominees for committee membership rather than selected by committee members. Substantial evidence in the record shows that growers and handlers understand that such district committee members shall act only in an advisory capacity and that the membership on such committee may be of whatever size the growers and handlers, with the committee member, in the district may desire and that reports on such district committees' size and composition shall be made upon request of the Southeastern Potato Committee. It is also understood that such district committee members are not to receive any compensation for their work or duties on such committee from the funds of the Southeastern Potato Committee. Marketing agreement and order provisions to establish and provide for the continuous operation of an administrative body in an orderly, efficient and equitable manner should be as hereinafter set forth.

(g) The operation of the committee and of the marketing agreement and order necessitates funds for payment of necessary administrative expenses. It is necessary and appropriate that such expenses should be incurred under direction of the committee and that assessments should be levied against the movement of Irish potatoes to market in order to meet such expenses. Assessments should be levied against the handler who first ships potatoes, hereinafter called the first handler. Assessments should be based on each first handler's pro rata share of the expenses incurred by the committee. Pro rata shares should be determined by the proportion of the total crop which each first handler ships. In making such pro rata shares of expenses effective on handlers, the budget of expense and revenue should recommend a rate of assessment against shipments which the Secretary can consider and, if he approves, fix as the rate per given unit of shipment which first handlers must pay. The Secretary should be authorized to increase the rate of assessments which handlers should pay for a season if it is found during the course of a given season that the then current rate of assessments is insufficient to cover expenses. Handlers should be authorized to make advance payments to the committee if they wish to accommodate the committee in such manner.

If revenues collected through assessments are in excess of expenses at the end of any fiscal year, such proportionate excess shall be credited to individual handlers in accordance with the payments they have made on assessments. If any handler who has a proportionate refund due him so demands, such refund should be effected.

The committee should be authorized to maintain, with the approval of the Secretary, suits in its own name, or in the name of its members, against any handler for collection of such handler's pro rata share of the committee's expense.

Assessment provisions of the marketing agreement and order should be as hereinafter set forth to conform with the evidence introduced at the hearing, to provide necessary funds to defray the costs of administering the marketing agreement and order, to equitably distribute operating costs of the program against all handlers regulated, and to prevent any possible abuse of assessment prerogatives.

Experience in marketing agreements and orders, not only in this area but also in other areas, indicates that at times if an order has not been operative for a time or has been suspended or perhaps terminated that the committee will find it has funds in its possession which under the terms of the order should be returned to those who paid their assessments, upon the basis of the equitable pro rata share to those who had paid in such assessments. Despite the reasonable efforts of committee members, or of the treasurer or other appropriate representatives of such committee, to return funds to those handlers who have paid their assessments, it has been found im-

possible in accordance with such reasonable attempts to find many of the handlers. As a result, committees have found themselves with varying amounts of funds, usually comparatively small as related to the total amount handled by the committee during any one season, which they were unable to distribute to the original contributors. This has in turn created a situation in which the committee members found it desirable to try to extricate themselves. The committee should be authorized, after it has followed reasonable attempts to repay the handlers for excess contributions, to recommend that such remaining funds, which it can not dispense to the original contributors on the basis of their pro rata share, should be turned over, with the approval of the Secretary of Agriculture, to some appropriate agency serving potato producers in the production area.

(h) Regulation of shipments of Irish potatoes grown in the production area should provide a method to limit such shipments by grade, size and quality of potatoes during any marketing season for Irish potatoes when the prices to farmers therefor give such potatoes a purchasing power with respect to articles that farmers buy equal to or less than the purchasing power of such potatoes during the base period provided by the act. Evidence introduced at the hearing delineated marketing agreement and order provisions, to provide a method of accomplishing such regulation under the aforesaid circumstances, which provisions should be as hereinafter set forth.

Such regulation should be and is predicated on an annual marketing policy or an amended marketing policy adopted by the committee, published and thereafter submitted to the Secretary. The method provided for the institution of such regulation requires the committee to submit specific recommendations and information to the Secretary to justify the proposed action, and specific regulations will thereafter be issued by the Secretary on the basis of the recommendations and information submitted or on the basis of other information available to the Secretary, providing that such regulation will tend to effectuate the declared policy of the act.

The committee, in arriving at a basis for its recommendations to the Secretary with respect to regulations, should give consideration to various relevant marketing and production factors, such as market prices of Irish potatoes, including prices by grade, size, and quality of all potatoes recommended for regulation; Irish potato supplies on hand in markets, supplies en route to markets, and supplies on track in markets; available supply, quality, and condition of Irish potatoes in the production area; supplies of Irish potatoes from competing areas and regions; the trend and level of consumer income, and other relevant factors.

The record shows that the potato industry in the production area does not want the committee to have the power to recommend limitation of shipment of any potatoes grading U. S. number one or better, according to U. S. Standards for potatoes which may now or hereafter apply. The record also shows that the industry does not want the Secretary to have power to issue regulations which would so limit shipment of potatoes of U. S. one or better grade.

Authority should be and is established in the marketing agreement and order, hereinafter set forth, for applying any specific regulation to potatoes grown in the production area.

The Secretary should notify the committee of any regulations issued under this general provision and the committee should give adequate notice thereof to producers and handlers.

All handlers in the production area are acquainted with and use Federal-State inspection and certification. Most handlers—90 percent at least—in the production area use Federal-State inspection and have most of their shipments certified on the basis of such inspection. This is common practice in the production area.

Substantial evidence in the record shows that growers and handlers find that inspection and certification contributes to more orderly market conditions for potatoes grown in the production area and that it would be economically desirable in further support of orderly marketing conditions to require all potato shipments from the production area to be inspected and certified. In order to accomplish this purpose it is deemed desirable that the Southeastern Potato Committee should maintain its existence and function during every season regardless of the relation of current prices to parity. It is undesirable that the committee should be required to discontinue its appropriate functions for any one season or during a portion of any one season if then current potato prices rise to a level in excess of parity. To discontinue these functions would contribute to disorderly marketing conditions for potatoes grown in the production area. Evidence in the record supports the findings that the shipments of potatoes from production areas which meet recognized U. S. standards of potatoes are in the best interests of the potato industry and that shipment of potatoes according to U. S. standards tends to promote the declared purposes of the act by bringing about orderly marketing conditions in the public interest. Growers and handlers in the production area, especially during the war years, experienced relatively high prices on occasion, especially during 1943. A result of such prices was to induce the shipments not only of all normally merchantable potatoes from the production area but also some potatoes which according to all recognized standards of good business and of public interest should not have been shipped. Such condition arising during the recent war in 1943 was an extreme situation but witnesses testified that this was illustrative of reactions which occur to relatively high prices. It is found, therefore, that it tends to promote orderly marketing conditions and it is in the public interest for the committee to be allowed to recommend minimum standards of quality during any or all periods of marketing and particularly when prices may be in excess of parity, as allowed by Public Law 305, 80th Congress, and that the maintenance of minimum standards of quality during such periods is in the public interest by the reason and fact that potatoes of unmerchantable quality are kept off the market.

It is necessary for the operation of regulations under the marketing agreement and order for the committee and for the Secretary to have evidence which will show either compliance or non-compliance by handlers with the terms of the regulations. Evidence may be readily supplied by means of Federal-State Inspection Certificates. Inspections which representatives of the Federal-State Inspection Service offer and the certificates of inspection which they issue are commonly recognized throughout the production area, and in all domestic markets, as authoritative evidence of the subject product's definitive characteristics. Handlers should be required to have their shipments of Irish potatoes inspected before they are shipped so that authoritative evidence relating to characteristics of potatoes in such shipment will be available to the committee and to the Secretary. Each handler should be required to submit, or authorize that there should be submitted, to the committee a copy of the inspection certificate issued upon such handler's Irish potato shipments during any period of regulation. Reasonably prompt Federal-State inspection can be accomplished at all points in the production area for reasonable fees.

The committee should provide rules and regulations for the issuance of exemption certificates to producers. In order to provide equity among growers insofar as the effects of any given regulation or set of regulations are concerned, it may be necessary to allow some producer or producers to ship some Irish potatoes which are otherwise prohibited by grade or size regulation. The committee should be empowered to issue, with the approval of the Secretary, rules and regulations pursuant to which exemption certificates shall be issued. The committee may issue certificates of exemption whenever a producer, because of regulation, is unable to ship as large a portion of his crop as the average of all producers in his district, township, or magisterial district. If any producer is dissatisfied with the action of the committee in handling his application for exemption, he should have the right of appeal to the committee for a reexamination of his application. The committee should be empowered to ask the producer for additional information upon which he based his appeal. The committee should be required to reexamine the application for an exemption certificate and to make a final determination with respect thereto. The committee should be required to promptly notify the appellant and should be required also to promptly furnish a copy of the appeal, with a copy of the final determination, to the Secretary. As an equitable matter, the Secretary should have the right to modify, change, alter, or rescind any procedural rules and regulations relating to exemptions and any exemption certificates granted or denied. The committee should be required to

maintain current records with respect to applications for exemptions from the regulations and it should be required to furnish the Secretary with a weekly report showing the number of applications received, the disposition of such applications, and the shipments made under exemption certificates.

Witnesses for the growers' proponents committee offered evidence indicating that they did not wish to regulate surplus potatoes as proposed in section 6 of the notice of hearing. There is insufficient evidence to support a finding that regulation of surplus is desired or should be attempted for potatoes grown in the production area. Therefore, the proposal with respect to regulation of surplus is not contained in the proposed order as hereinafter set forth.

(i) The shipment of Irish potatoes for consumption by charitable institutions or for distribution by relief agencies does not appreciably affect the market price for potatoes. Shipments which are made for these specific purposes might not otherwise take place because of the inability of the consuming agencies to buy in normal markets, hence it is desirable that such outlets should be provided with Irish potatoes that are fit for consumption but which might otherwise not be consumed if they are subjected to regulations under the marketing agreement and order. Shipment of Irish potatoes for consumption by charitable institutions or for distribution by relief agencies should not be subject to regulation under the marketing agreement and order. Also, Irish potatoes shipped for manufacture or for conversion into by-products, except for shipments for manufacturing into specified products the shipment of which is recommended for regulation by the committee, and approved by the Secretary, should not be subject to regulation. Evidence shows that shipments of Irish potatoes for manufacturing into products, which shipments might be specified for regulation by the committee, with the approval of the Secretary, are potato chips and possibly starch, both of which are used for human consumption in virtually the original form of the raw material. If shipments for manufacturing into other products should be regulated in the consensus of the committee, it may so recommend. It is also desirable and necessary that shipments for conversion into by-products, which can use off-grade or undesirable sizes as well as the preferred types, should not be subject to regulation. Shipments of Irish potatoes for manufacturing or conversion, as hereinbefore indicated, should not be subject to regulation because they do not affect orderly marketing in that the use of off grade of Irish potatoes would otherwise go to waste.

Irish potatoes transported by the producer from his farm to the customary grading shed or, if potatoes are field graded, to the customary loading station, should not be subject to regulation. Any and all of these actions are commonly construed as occurring prior to the act of shipping. Such is the intent of the present proponents of the marketing agreement and order.

The committee should be authorized to recommend that Irish potatoes shipped for livestock feed, or for export, or for other specified purposes, should not be subject to regulation for reasons comparable to those set forth above for manufacturing and conversion. Livestock feed is an outlet which does not compete with markets for table stock potatoes. Whenever conditions warrant that this market outlet should be used, there is no good reason why Irish potatoes for such purposes should be required to meet market standards imposed upon potatoes for usual or normal markets. Also, Irish potatoes which may be discarded for table stock potatoes because of regulations may find an outlet as livestock feed, hence their exemption from regulations will tend to promote objectives sought under regulations in accordance with previous sections.

It is necessary and incidental to the operation of the marketing agreement and order and to effectuate the objectives of the act that the committee should be authorized to provide adequate safeguards to prevent Irish potatoes which are relieved of regulation from entering the current of interstate or foreign commerce to compete with Irish potatoes which have been regulated. Such safeguards, among others, should include Federal-State inspection in order that distinguishing characteristics of specific or particular shipments may be readily determined in accordance with commonly recognized authority.

Irish potatoes which are not subject to regulation under other sections, but for which producers receive some return (which is the position of the nonregulated Irish potatoes considered herein), should bear their equitable share of the expense of operating the marketing agreement and order.

In order to maintain appropriate identification for shipments which are not subject to regulation, the committee should be authorized to issue Certificates of Privilege to producers or handlers shipping such Irish potatoes. It is necessary in the interests of efficient operation of the marketing agreement and order that such identification should be maintained in this manner. In order that the Secretary may be properly advised concerning the movement of Irish potatoes from the production area, it is necessary and incidental to the operation of the marketing agreement and order that records of such shipments should be maintained and that weekly reports should be forwarded by the committee to the Secretary showing the disposition and number of shipments which were exempt from regulation. The Secretary should have the right to modify, change, alter, or rescind any safeguards prescribed or Certificates of Privilege issued by the committee.

(j) For the proper and efficient administration of the marketing agreement and order, the committee needs information on Irish potatoes with respect to supplies, movement, prices, and sundry other relevant factors which are best obtainable from handlers. The committee should be authorized to request, with the approval of the Secretary and every handler should be required to furnish to the committee, any information which is required for reasonable operation of the marketing agreement and order. The Secretary should retain the right to modify, change, or rescind any request by the committee for information in order to protect handlers from unreasonable requests for reports.

(k) The provisions of sections 9 through 21 as published in the FEDERAL REGISTER of December 27, 1947 (12 F. R. 8838) are common to marketing agreements and orders now operating. These provisions are incidental to, and not inconsistent with section 8c (5), (6), and (7) of the act, and necessary to effectuate the other provisions of the marketing agreement and order, and to effectuate the declared purposes of the act. Testimony at the hearing supports the inclusion of each of these provisions as published in the notice of hearing. These provisions, identified by section numbers and title, are as follows:

Section 8. Compliance;
Section 9. Right of the Secretary;
Section 10. Effective time and termination;
Section 11. Effect of termination or amendment;
Section 12. Duration of immunities;
Section 13. Agents;
Section 14. Derogation;
Section 15. Personal liability;
Section 16. Separability;
Section 17. Amendments;
Section 18. Counterparts;
Section 19. Order with marketing agreement;
Section 20. Additional parties.

(l) The bulk of potatoes grown in Virginia and North Carolina for market are known as early commercial potatoes. They are marketed mostly during a six to eight week period usually between the middle of May and mid-July. Potatoes from Virginia and North Carolina have a well established market in their usual marketing area which includes generally the populous regions north of these states and east of the Mississippi River. In normal markets for potatoes in the aforementioned region, references to North Carolina or Virginia potatoes would invariably mean to handlers or receivers potatoes from these states which are marketed during the period mentioned above, namely from late April or May through July or early August. Also allotments or potato acreage in the production area apply to that part of the crop which is grown for marketing during the aforementioned period, namely May through July. Potatoes grown in these two states and marketed at the aforementioned time are commonly referred to as early commercial potatoes. Market News Service reports clasify the crop as early commercial. Their reports are issued from the producing territory during the period of heavy shipments in May, June, and July. Bureau of Agricultural Economics reports farm prices received for potatoes from Virginia and North Carolina for the early commercial crop.

It is found from substantial evidence in the record of hearing that potatoes grown in North Carolina and Virginia are normally marketed from mid-May through July and that only occasionally do such

marketings continue appreciably into August. The base period for potatoes grown in this area is determined to be the seasons 1920 through 1929, which includes ten seasons for this production area. Virtually all potatoes grown in the production area had been marketed by August 1919, the beginning of the base period as stated in the Agricultural Marketing Agreement Act of 1937, as amended. Similiarly, virtually all potatoes grown for market during 1929 in the production area had been shipped or marketed by the end of July 1929. The average farm price per bushel for potatoes grown in the production area—North Carolina and Virginia—for the base period is $1.32. The average farm price per bushel for potatoes grown in the production area for the 1947 season is $1.58, which is seventy-eight percent of the calculated parity price of $2.03 per bushel which is based upon a simple average of the 12-month period (January through December) prices paid index multiplied by the base period price per bushel. For the eighteen seasons, 1930 to 1947, inclusive, the seasonal average farm price per bushel for potatoes grown in the production area has been below parity for fourteen of such seasons and above parity in only four, two of which were during the war. It is hereby found that prices are expected to be below parity during the ensuing season.

(m) The proposed marketing agreement and orders and all the terms and conditions thereof will tend to effectuate the declared policy of the act with respect to Irish potatoes produced in said production area, specified in this proposed marketing agreement and order, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish prices to the producers thereof at a level that will give such Irish potatoes a purchasing power, with respect to the articles that the producers thereof buy, equivalent to the purchasing power of such Irish potatoes in the base period for potatoes and by protecting the interest of the consumer by (1) approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (2) by authorizing no action which has for its purpose the maintenance of prices to producers of such Irish potatoes above the level which it is declared in the act to be the policy of Congress to establish and (3) authorizing the establishment and maintenance of such minimum standards of quality and such grading and inspection requirements for potatoes as will effectuate such orderly marketing of such agricultural commodity as will be in the public interest.

(n) It is necessary in order to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended, for the Secretary of Agriculture to issue an order, providing a marketing agreement is promulgated and the requisite number of potato producers approve such issuance in a referendum, regulating the handling of potatoes grown in the production area in the same manner as provided by a marketing agreement which may be promulgated pursuant hereto. The number of handlers operating in this production area and the nature of the operation of many such handlers makes it necessary that such an order should be issued to promote orderly marketing conditions for potatoes and to provide equity among handlers operating in the production area.

(o) The record of hearing shows that the potato industry in the production area does not wish to regulate shipments by varieties and that they contend it would be impractical for regulation to apply by varieties in the area. The record does not show that regulation by varieties should be attempted by the Secretary or that such regulation would tend to effectuate the declared policy of the act.

The record shows that it would be impractical to attempt regulation upon the basis of maturity in this production area. Determination of maturity of early commercial potatoes in this production area is a matter upon which opinion differs; hence, it is found that regulation of potato shipments upon the basis of maturity should not be attempted and that such regulation would not tend to effectuate the declared policy of the act.

For the reasons herein enumerated, the marketing agreement and order hereinafter set forth makes no reference to regulation on the basis of "varieties" and "maturity."

Rulings on proposed findings and conclusions. Interested parties were allowed until February 4, 1948, by the presiding officer at the hearing on the proposed marketing agreement and order to file briefs on findings of facts and conclusions based on evidence introduced at the hearing. No briefs were filed, hence no rulings are necessary.

Recommended marketing agreement and order. The following proposed marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out.

SECTION 1. *Definitions.* As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any other officer or member of the United States Department of Agriculture who is or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(c) "Person" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit of individuals.

(d) "Production area" means and includes the counties of Accomack, Northampton, Princess Anne, Nansemond, Norfolk, and James City, in the State of Virginia, and the counties of Scotland, Hoke, Harnett, Johnston, Nash, Halifax, Northampton, and all counties east thereof in the State of North Carolina.

(e) "Potatoes" means all varieties of Irish potatoes grown in the production area.

(f) "Handler" is synonomous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes in fresh form, whether or not of his own production.

(g) "Ship" means to transport, sell, or in any manner place potatoes in the current of interstate commerce or so as directly to burden, obstruct, or affect such commerce.

(h) "Producer" means any person engaged in the production of potatoes for market.

(i) "Fiscal year" means the period beginning on November 1 of each year and ending midnight October 31 of the following year.

(j) "Committee" means the Administrative Committee, called the Southeastern Potato Committee, established pursuant to section 2.

(k) "District" means, describes, and refers to each of the geographic divisions of the production area hereby established as follows:

District No. 1. Accomack County in the State of Virginia.

District No. 2. Northampton County in the State of Virginia.

District No. 3. Princess Anne, Nansemond, Norfolk, and James City counties in the State of Virginia.

District No. 4. Northampton, Gates, Hertford, Bertie, Chowan, Perquimans, Pasquotank, Currituck, and Camden counties in the State of North Carolina.

District No. 5. Halifax, Nash, Edgecombe, Pitt, Martin, Washington, Tyrrell, Dare, Hyde, Beaufort, Pamlico, Craven, Carteret, Onslow, and Jones counties in the State of North Carolina.

District No. 6. Scotland, Hoke, Harnett, Robeson, Cumberland, Sampson, Johnston, Wilson, Wayne, Greene, Lenoir, Duplin, Bladen, Columbus, Pender, New Hanover, and Brunswick counties in the State of North Carolina.

SEC. 2. *Administrative committee*—(a) *Establishment and membership.* (1) The Southeastern Potato Commmittee, consisting of 12 members, of whom 6 shall be producers and 6 shall be handlers, is hereby established. For each member of the committee, there shall be an alternate member, who shall have the same qualifications as the member.

(2) Persons selected as members or alternates of the committee shall be individuals who are producers or handlers, respectively, in the respective district for which selected, or officers or employees of a corporate producer or handler, respectively, in such district: *Provided,* That no person, if he handles potatoes, shall be eligible for selection as a producer member on said committee unless 51 percent or more of the potatoes handled by him during the then current fiscal year were of his own production, or unless such person is an officer or employee of a producer's cooperative marketing association.

(b) *Term of office.* The term of office of members and alternates of the com-

mittee shall be for 1 year beginning on the 1st day of November. Members and alternates of the committee shall serve during the fiscal year for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the fiscal year and continuing until the end thereof, and until their successors are selected and have qualified.

(c) *Initial committee members and alternates.* The initial members and alternates of the committee shall be selected by the Secretary for a term of office ending at midnight on October 31, 1948 and until their successors are elected and have qualified. In thus selecting the initial members and their respective alternates the Secretary may consider such nominations or suggestions, if any, as may be submitted by producers, handlers, or groups thereof, and such nominations or suggestions may be by virtue of elections conducted by groups of producers and groups of handlers.

(d) *Nominations.* (1) The Secretary may select the members of the Southeastern Potato Committee and their respective alternates, subsequent to the initial members and alternates, from nominations made by producers and handlers as provided in this section.

(2) Except for initial members and alternates the Southeastern Potato Committee shall hold or cause to be held prior to September 15 of each year, after the effective date hereof, a meeting or meetings of producers and handlers in each of the districts designated in section 1 (k), for the purpose of designating nominees from among whom the Secretary may select members and alternates of the committee.

(3) In arranging for such meetings, the Southeastern Potato Committee may, if it deems such to be desirable, utilize the services and facilities of existing organizations and agencies.

(4) At each such meeting at least two nominees shall be designated for each position as producer member, and as alternate producer member, on the committee and at least two nominees shall be designated for each position as handler member, and as alternate handler member, on the committee.

(5) Nominations for committee members and alternates shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 15 days prior to the end of each fiscal year.

(6) Persons who are producers, handlers, or both producers-handlers, of potatoes may participate in designating nominees for members and alternates. Regardless of the number of districts in which a person produces or handles potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for member and alternates on the committee for the respective district in which such person is engaged in producing or handling potatoes: *Provided,* That in the event a person is engaged in producing or handling potatoes in more than one district, such person shall elect the district within which he shall participate as aforesaid in designating nominees. *Provided further,* That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each nominee for committee members and one vote for each nominee for alternate committee members, in the district in which such voter produces or handles potatoes or in the district elected by such voter.

(e) *Selection.* The Secretary shall select two committee members, with their respective alternates, from each of the districts as defined in section 1 (k), which members and alternates shall represent the respective district from which they are selected. One member from each district shall be selected to represent producers and the other shall be selected to represent handlers; their respective alternates shall be selected on the same basis of representation.

(f) *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (d) of this section, the Secretary may, without regard to nominations, select the members and alternate members of the committee, which selection shall be on the basis of the representation provided for herein.

(g) *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within 10 days after being notified of such selection.

(h) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate member, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in paragraph (d) of this section, or the Secretary may select such member or alternate member from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for herein.

(i) *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is alternate during such member's absence. In the event of death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for the unexpired term of such member is selected and has qualified.

(j) *Procedure.* (1) Nine members shall constitute a quorum of the committee and any action of the committee shall require nine concurring votes.

(2) The committee may provide procedure for meeting by telephone, telegraph, or other means of communications, and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided,* That if an assembled meeting of the committee is held all votes shall be cast in person.

(k) *Expenses and compensation.* The members of the committee and their respective alternates when acting as members, may be reimbursed for expenses necessarily incurred by them in performance of their duties and in the exercise of their powers hereunder, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $5.00 per day or portion thereof.

(l) *Powers.* The committee shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violation of the provisions hereof;

(4) To recommend to the Secretary amendments hereto.

(m) *Duties.* It shall be the duty of the committee:

(1) To act as intermediary between the Secretary and any producer or handler;

(2) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(3) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary.

(4) To furnish to the Secretary such available information as he may request;

(5) To select subcommittees of committee members, a chairman and such other officers as may be necessary, and to adopt such rules and regulations for conduct of its business as it may deem advisable;

(6) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(7) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant hereto; a copy of each such report shall be furnished to the Secretary and a copy of each of such report shall be made available at the principal office of the committee for inspection by producers and handlers.

(8) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person, and

(9) To consult, cooperate and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives hereunder.

(n) *Obligations.* Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records, in his possession, to his successor in office or to a trustee designated by the Secretary and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or trustee full title to all the property, funds, and claims vested in such member pursuant hereto: *Provided,* That the provisions hereof shall apply to alternate members in possession of funds, property, books or records, or participate in the receipt or disbursement of funds.

SEC. 3. *District Committees.* Potato producers and handlers in each district, as defined in section 1 (k), may establish and organize a District Committee of potato producers and handlers within each such district for the purpose of assisting in an advisory capacity the members of the Southeastern Potato Committee from their district. The size and composition of each such District Committee shall be determined by producers and handlers within each district. Reports on the size and composition of each District Committee shall be made available upon request to the Southeastern Potato Committee. The members of such District Committees shall not receive compensation from any funds dispersed by the Southeastern Potato Committee. Members of District Committees may be selected at meetings sponsored by the Southeastern Potato Committee. The terms of office of members of District Committees shall coincide with the terms of office of members of the Southeastern Potato Committee.

SEC. 4. *Expenses and assessments*—(a) *Expenses.* The committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out the functions of the committee pursuant to the provisions hereof during each fiscal year. The funds to cover such expenses shall be acquired by levying assessments as hereinafter provided.

(b) *Assessments.* (1) Each handler who first handles potatoes shall, with respect to the potatoes so handled by him, pay to the committee such handler's pro rata share of the expenses which the Secretary finds will be necessarily incurred by the committee for its maintenance and functioning during each fiscal year. Such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year. The Secretary shall fix the rate of assessment to be paid by such handlers: *Provided,* That the rate of assessment during each fiscal year shall not exceed 1 cent per hundredweight.

(2) At any time during or after a fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Such increase shall be applicable to all potatoes handled during the given fiscal year. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

(c) *Accounting.* (1) If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

(2) If, after reasonable effort by the Committee, it is found impossible to return excess funds to handlers, such funds shall, with the approval of the Secretary, be turned over to an appropriate agency serving potato producers in the production area.

(3) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(d) *Funds.* All funds received by the Committee pursuant to any provision hereof shall be used solely for the purposes herein specified and shall be accounted for in the following manner:

(1) The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements; and

(2) Whenever any person ceases to be a member of the committee, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member.

SEC. 5. *Regulations*—(a) *Marketing policy.* At the beginning of each fiscal year, the committee shall prepare and submit to the Secretary a report setting forth its proposed policy for the marketing of potatoes during such fiscal year. In the event it becomes advisable to deviate from such marketing policy, because of changed demand and supply conditions, the committee shall formulate a new marketing policy and shall submit a report thereof to the Secretary. The committee shall notify producers and handlers of the contents of such reports.

(b) *Recommendations for regulations.* (1) It shall be the duty of the committee to investigate supply and demand conditions for grades, sizes, and quality of all potatoes. Whenever the committee finds that such conditions make it advisable to regulate the shipment of particular grades, sizes, or qualities of potatoes during any period in any or all portions of the production area, it shall recommend to the Secretary the particular grades, sizes, and qualities, or any combination thereof, of such potatoes deemed advisable to be shipped during such period: *Provided,* That the committee shall not recommend to the Secretary any regulation limiting the shipment of U. S. No. 1 grade or better, as such grades are defined in United States Standards for Potatoes in effect at the time of recommendation.

(2) In determining the grade, size, and qualities of potatoes or any and all combinations thereof deemed advisable to be regulated in view of the prospective demand thereof, the committee shall give due consideration to the following factors:

(i) Market prices, including prices by grades and sizes, of potatoes for which regulation is recommended;

(ii) Potatoes on hand in the market areas as manifested by supplies en route and on track at the principal markets;

(iii) Available supply, quality, and condition of potatoes in the production area and other production areas;

(iv) Supplies from competing areas and regions producing potatoes;

(v) The trend and level of consumer income, and

(vi) Other relevant factors.

(c) *Issuance of regulations.* Whenever the Secretary shall find, from the recommendations, information and evidence submitted by the committee, or from other available information, that to limit the shipment of potatoes to particular grades, sizes, and qualities thereof in any or all portions of the production area would tend to effectuate the declared policy of the act, he shall so limit by appropriate regulations thereon the shipments of such potatoes during a specified period. The Secretary shall notify the committee of any such regulation and the committee shall give reasonable notice thereof to handlers: *Provided,* That no regulations shall be issued hereunder limiting the shipment of U. S. No. 1 grade or better, as such grades are defined in United States Standards for Potatoes in effect at the time such regulations are issued.

(d) *Minimum standards of quality*—(1) *Recommendation.* Whenever the committee deems it advisable to establish and maintain minimum standards of quality governing the shipment of potatoes, it shall recommend to the Secretary such minimum standards of quality in terms of grades, sizes, or both, below which shipments are to be prohibited. At the time of submitting each such recommendation, the committee shall also submit to the Secretary the supporting data and information upon which it acted in making such recommendation. The committee shall submit in support of its recommendations such other data and information as may be requested by the Secretary, and shall promptly give adequate notice to all handlers and growers of each such recommendation.

(2) *Establishment.* Whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that to prohibit the shipment of potatoes below certain specified minimum grades, or smaller than certain specified minimum sizes, or both, would be in the public interest and would tend to effectuate the declared policy of the act, he shall so prohibit the shipment

of such potatoes. The Secretary shall immediately notify the committee of the issuance of each such regulation, and the committee shall promptly give adequate notice thereof to handlers and growers.

(3) *Modification or suspension.* The committee may recommend to the Secretary the modification, suspension, or termination of orders relating to minimum standards provided for or established pursuant hereto. If the Secretary finds, upon the basis of such recommendation and information, or upon the basis of other available information, that to modify, suspend, or terminate such orders relating to minimum standards of quality will tend to effectuate the declared policy of the act, he shall so modify or suspend such standards for (i) a specified period of time, or (ii) for an indefinite period of time.

The Secretary shall immediately notify the committee and the committee shall promptly give notice to growers and handlers, of any order issued by the Secretary modifying, suspending, or terminating any orders relating to minimum standards of quality established pursuant hereto or provided for herein.

(e) *Inspection and certification.* The Southeastern Potato Committee shall require, with approval of the Secretary, that whenever regulations are in effect pursuant hereto, each first handler shall, prior to making each shipment of potatoes, cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Each handler shall make arrangements with the inspecting agency to forward promptly to the committee a copy of each inspection certificate, issued as aforesaid.

(f) *Exemptions.* (1) The committee may adopt, subject to approval by the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers.

(2) The committee may cause to be issued certificates of exemption to any producer who furnishes adequate evidence to the committee that by reason of a regulation issued pursuant to this section he will be prevented from shipping as large a proportion of his production as the average of all producers in said producer's district, township, or magisterial district. The committee shall be permitted at any time to make a thorough investigation of any producer's claim pertaining to exemptions. Such certificate shall permit the producer to ship the amount of potatoes specified thereon. Such certificates may be transferred with such potatoes at time of sale.

(3) If any producer is dissatisfied with the determination by the committee with respect to the producer's application for an exemption certificate, said producer may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any producer filing an appeal shall furnish evidence satisfactory to the committee, for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination, concerning the certificate of exemption to be granted. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

(4) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to this section.

(5) Records shall be maintained by the committee and a weekly report furnished to the Secretary showing the applications received, exemptions granted, exemptions denied and shipments made under exemptions.

SEC. 6. *Limitation of regulations.* Nothing contained herein shall authorize any limitation of the shipment of potatoes for any of the following purposes:

(a) Potatoes shipped for consumption by charitable institutions or for distribution by relief agencies;

(b) Potatoes shipped for manufacturing or conversion into by-products, except for manufacturing or conversion into specified products recommended by the committee for regulation and approved by the Secretary therefor; and

(c) Upon recommendation of the committee and approval of the Secretary, potatoes shipped for livestock feed, export, or for other specified purposes. The Secretary shall give prompt notice to the committee of any approval issued by him under the provisions of this section. The committee may prescribe adequate safeguards to prevent potatoes shipped for the purposes stated above from entering the current of interstate commerce or directly burdening, obstructing, or affecting such commerce contrary to the provisions hereof, which safeguards may include (1) a requirement by the committee that growers and handlers who ship potatoes pursuant to this section shall file applications to do so with the committee and (2) Federal-State inspection provided by section 5 (e) and the payment of a pro rata share of expenses provided by section 4 hereof: *Provided,* That such inspection and payment of expenses may be required at different times than otherwise specified by the aforesaid sections. The committee may issue Certificates of Privilege for shipments of potatoes affected or to be affected under the provisions of this section and shall make a weekly report to the Secretary showing the number of certificates applied for, the number of bushels of potatoes covered by such applications, the number of certificates denied and granted, the number of bushels of potatoes shipped under duly issued certificates, and such other information as may be requested by the Secretary. The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

SEC. 7. *Reports.* Upon the request of the committee, with the approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its duties hereunder. The Secretary shall have the right to modify, change or rescind requests for any reports pursuant to this section.

SEC. 8. *Compliance.* Except as provided herein, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions hereof, and no handler shall ship potatoes except in conformity to the provisions hereof.

SEC. 9. *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the committee, shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

SEC. 10. *Effective time and termination*—(a) *Effective time.* The provisions hereof shall become effective at such time as the secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operations of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided,* That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effected only if announced on or before October 31 of the then current fiscal year.

(4) The Secretary shall terminate the provisions hereof at the end of any fiscal year, upon the written request of handlers signatory hereto who submit evidence satisfactory to the Secretary that they handled not less than 67 percent of the total volume of potatoes handled by the signatory handlers during the preceding fiscal year; but such termination shall be effective only if announced on or before October 31 of the then current fiscal year.[1]

(5) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them, cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provi-

[1] Applicable only to the proposed marketing agreement.

sions hereof, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all funds and the property then in the possession of, or under control of the committee, including claims for any funds unpaid, or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(3) Any person to whom funds, property, or claims have been transferred, or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

SEC. 11. *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof, or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty obligation, or liability which shall have arisen, or which may thereafter arise in connection with any provision hereof, or any regulation issued hereunder, or (b) release or extinguish any violation hereof, or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary, or of any other person with respect to any such violation.

SEC. 12. *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

SEC. 13. *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

SEC. 14. *Derogation.* Nothing contained herein is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.

SEC. 15. *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

SEC. 16. *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any persons, circumstances, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

SEC. 17. *Amendments.* Amendments hereto may be proposed from time to time by the committee or by the Secretary.

SEC. 18. *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

SEC. 19. *Order with Marketing Agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

SEC. 20. *Additional parties.* After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

Filed at Washington, D. C., this 18th day of March 1948.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator.

[F. R. Doc. 48-2572; Filed, Mar. 19, 1948; 9:35 a. m.]

[7 CFR, Part 904]

HANDLING OF MILK IN GREATER BOSTON MILK MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENT TO ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 C. F. R., Supps., 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 12 F. R. 4904), a public hearing was held at Skowhegan, Maine, St. Johnsbury, Vermont, and Boston, Massachusetts, on October 20–24, 1947, pursuant to a notice issued on October 9, 1947 (12 F. R. 6748), on proposed amendments to the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, milk marketing area.

The material issues presented on the record of the hearing concerned the question of whether Class I milk for the Boston market should be priced by a proposed formula based on the relative changes in the index of wholesale commodity prices in the United States, an index representing changes in dairy feed and farm labor costs in the Boston milkshed, and an index of New England department store sales, with appropriate seasonal price differences and with a special automatic adjustment in case of shortage or surplus in the market.

The pricing plan was developed by a group of economists familiar with New England marketing problems. The group met at the request of the Dairy Branch and the market administrator when it appeared that the formula now contained in Order No. 4 did not at all times maintain prices in accordance with the standard prescribed in the act, as was demonstrated by the need to issue a series of suspension orders. These economists, who had appeared previously at hearings to testify concerning Class I prices and had otherwise indicated an interest in Class I pricing, pooled their experiences on this problem and developed the proposed formula as one guide in establishing Class I prices under the standards prescribed by the act. Seven of the economists who participated in the preparation of the recommended plan testified at the hearing in support of its adoption.

The hearing to consider the proposed plan for pricing Class I milk was requested by:

Bellows Falls Cooperative Creamery, Inc.
Bethel Cooperative Creamery, Inc.
Cabot Farmers' Cooperative Creamery Co., Inc.
Connecticut Valley Dairy, Inc.
Grand Isle County Coop Creamery Association, Inc.
Granite City Cooperative Creamery Association, Inc.
Maine Dairymen's Association, Inc.
Manchester Dairy System, Inc.
Milton Cooperative Dairy Corp.
Mt. Mansfield Coop Creamery and Grain Association, Inc.
New England Milk Producers' Association.
Northern Farms Cooperative, Inc.
Richmond Cooperative Association, Inc.
St. Albans Co-operative Creamery, Inc.
Shelburne Co-operative Creamery Co.
Tunbridge Co-operative Creamery, Inc.
United Farmers of New England, Inc.
Vermont Cooperative Creameries, Inc.
H. P. Hood & Sons, Inc.

A notice of recommended decision and opportunity to file written exceptions to recommended findings and conclusions on these issues was filed on February 27, 1948 and published in the FEDERAL REGISTER (13 F. R. 1122). Exceptions to that recommended decision were filed on behalf of:

New England Milk Producers' Association.
H. P. Hood & Sons, Inc.
Whiting Milk Co.

[1] Applicable only to the proposed marketing agreement.

Milk Dealers' Association of Metropolitan New York, Inc.
United Farmers of New England, Boston, Mass.
Milton Co-operative Dairy Corp., Milton, Vt.
Bethel Co-operative Creamery, Bethel, Vt.
Shelburne Co-operative Creamery, Shelburne, Vt.
Grand Isle County Co-operative Creamery, Grand Isle, Vt.
Mt. Mansfield Co-operative Creamery & Grain Association, Stowe, Vt.
Richmond Co-operative Creamery, Richmond, Vt.
Mifflin Creamery Co., Inc.
Lancaster Milk Co.
W. M. Evans Dairy Co., Inc.
Chenango Farm Products Co., Inc.
Karsten Dairies, Inc.

All exceptions filed were considered in making the findings and reaching the conclusions set forth in this decision. The material exceptions are specifically discussed in the findings and conclusions with respect to the points to which such exceptions refer. However, to the extent that the findings and conclusions contained herein are at variance with any exception pertaining thereto, such exception is overruled.

Certain general exceptions were filed by the Milk Dealers' Association of Metropolitan New York, Inc. which related to the adequacy of the notice of hearing and the time for the filing of exceptions to the recommended decision. As previously indicated, the notice of hearing was published in the Federal Register on October 14, 1947 and the hearing commenced October 20, and lasted through October 24. All interested parties were, therefore, afforded from six to ten days within which to prepare evidence for introduction at the hearing. Section 8c (17) of the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 608c (17) provides that ". . . notice of a hearing upon a proposed amendment to any order issued pursuant to section 8c, given not less than three days prior to the date fixed for such hearing, shall be deemed due notice thereof." The notice of hearing was, therefore, legally adequate and reasonable under all the circumstances involved in this proceeding. With respect to the alleged inadequacy of the time for the filing of the exceptions to the recommended decision, all interested parties were given seven days within which to file such exceptions. In view of the fact that the parties filing this exception were heretofore afforded the opportunity to file, and have filed, proposed findings of fact and conclusions and briefs in support thereof, the time allowed them for the filing of exceptions to the recommended decision was reasonable. The exceptions filed by the Milk Dealers' Association of Metropolitan New York, Inc. with regard to the adequacy of the notice of hearing and the time for the filing of exceptions is overruled.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing and the record thereof.

Need for automatic price adjustments. Rapid changes in price levels and in other economic conditions during recent years emphasize the need for a method of determining the price for Class I milk which will assure prompt adjustment to these changing conditions.

These price adjustments should be made with sufficient promptness to assure reasonable stability in the market. To achieve that stability they must follow established trends in other price movements and shifts in supply and demand conditions. There is needed in the order a method of bringing about price changes as soon as changed conditions can be recognized from officially reported current measures of economic conditions affecting the supply of and the demand for milk in the market. There is in the order at present a formula for determining the price for Class I milk based on the market prices of butter and non-fat dry milk. This formula, however, has been suspended from time to time since its adoption June 1, 1946, because the market prices of butter and non-fat dry milk failed at times to reflect with reasonable accuracy changes in general economic conditions of supply of and demand for milk in the marketing area. Furthermore, very little butter, non-fat dry milk, evaporated milk, or whole milk cheese is manufactured in the supply area of this market, and the marketing area is not generally in direct competition with manufacturing plants for the supply of milk.

Index factors to be used. The proposed formula for determining the price of Class I milk would utilize the index of wholesale commodity prices in the United States, an index representing costs of grain and farm labor in the milkshed, and the index of department store sales for the Boston Federal Reserve District.

Cost of milk production in terms of prices farmers pay for commodities used in producing milk in relation to prices received for milk is an important influence on the total of milk production for this market. The price of feeds, which is specified in the Act as a factor which should be reflected in the price of milk under marketing agreements or orders, is the most important single item in the cost of milk production in this area. It is included in the proposed formula in the form of an index of recognized average prices of dairy ration in the supply area. Such an index has been developed for dairy ration in the Boston milkshed on the basis of average retail prices per ton, since the majority of producers in the Boston milkshed buy dairy feeds at retail prices. These average prices have been compiled and published by the market administrator for a number of years and have been found by the trade to be a reliable and accurate reporting of such prices. These dairy ration prices are now reported by the United States Department of Agriculture.

The monthly composite farm wage rate in the States comprising the supply area, which wage rate is compiled and published by the United States Department of Agriculture, is a measure of the factor next in importance to dairy feed in the cost of producing milk. These two items, grain and labor, are the principal cost items in New England dairy farming which require current cash outlays, and constitute about 60 percent of the total cost of milk production. Evidence shows that the relative importance of the costs of grain and labor in relation to each other is fairly uniform throughout the supply area, and that there has been little change historically in the relationship of total cost of grain and labor to the total costs of dairy farming. The use of an index based on the total costs of dairy farming is not practicable because many of the factors included in studies of the total costs of dairy farming are not available on a current basis. Dairy farm management surveys in the supply area indicate the relative outlay for grain is one and one-half times that for labor. It, therefore, appears proper to average indexes of dairy ration prices and composite farm wage rates, using a weight of one and one-half for dairy ration and a weight of one for wage rates, to form an average grain-labor cost index applicable to dairy farming in this area. The labor element of the proposed grain-labor index would be an average for four states in the supply area, Maine, Vermont, New Hampshire, and Massachusetts, weighted in accordance with the proportionate amounts of milk received from each, with the quantity of milk received from eastern New York included in the Vermont weight since production conditions are similar in these areas. (The weights used in the proposed formula are: Vermont, 77; Maine, 10; New Hampshire, 7; and Massachusetts, 6.) The grain element of the proposed index would be an index indicative of dairy ration prices in the whole supply area.

The index of wholesale prices in the United States, which is compiled and published by the United States Department of Labor, is a recognized measure of changes in the general price level. It is a measure of changes in all prices, and so reflects the various general levels of prices at which the demand for all products and the supply of all products balance. In a general way, therefore, it reflects changes in the costs affecting the supply of milk and changes in demand for all commodities including milk.

The Boston Federal Reserve District Index of Department Store Sales, which is compiled and published by the Federal Reserve System, is an accurate and reliable index of changes in demand for a large group of consumer goods in the New England area. The volume of money spent for milk in the marketing area has varied closely in line with this index. Consequently, this index of department store sales can be expected to reflect changes in consumer demand for milk in the marketing area. Since the evidence in the record of this proceeding fully supports the use of the index as part of the formula for pricing Class I milk subject to the Boston order, the exception filed by certain New York handlers to the use of this index is overruled. However, the frequent small movements up and down from month to month exhibited by this index appear inconsistent with the more steady demand for milk. For this reason the index should be used as a moving av-

erage for the latest 3 months for which the index is obtainable.

Prices for Class I milk have been calculated on the basis of certain market prices available on or before the 25th day of the month preceding that in which the Class I price is to apply. In recognition of this practice the latest reported figures available on the 25th day of the month preceding the month for which the formula price is to be applicable should be used in computing the formula index. The recommended decision proposed the use of the latest figures available on the last work day preceding the 25th if the 25th falls on a Saturday, Sunday, or legal holiday. The evidence indicates that certain of the indexes are not available until the 25th day of the month. It should therefore be provided that, for months in which the 25th falls on Sunday or a legal holiday, the figures available on the next succeeding work day following the 25th should be used. This should permit the use of figures which would ordinarily be available on the 25th day of the month. This revised finding is in accord with the exceptions filed by both producers and handlers.

The proposed formula including the factors listed above which reflect economic conditions affecting the supply of and demand for milk in the marketing area as required by the act, would give equal weight to the cost factor, the demand factor, and the index of wholesale prices representing general economic conditions. The index of each of these three factors would be expressed in terms of a 1925–29 average to show changes in each factor from a common benchmark. In order to accomplish this conversion it will be necessary to divide each of the reported figures by divisors as follows: (1) Wholesale commodity price index reported on a 1926 base, by 0.98; (2) index of department store sales reported on a 1935–39 base, by 1.26; (3) current retail prices per ton of dairy ration, by 0.5044, and (4) the average of the monthly composite farm wage rates, by 0.5952.

The formula price indicated by this method of constructing the formula index was judged on the basis of comparison with actual prices for 1921 to 1947. On the basis of the data presented in the record, during the period 1921–47, inclusive, the proposed formula would have provided prices for Class I milk which differed in some periods from the price actually paid for Class I milk, but the general trend and level would have been close to the actual prices. In retrospect, it appears that in periods when the proposed formula would have provided Class I prices considerably different from the prices actually paid, the price changes provided by the proposed formula would have been more currently responsive to fluctuating economic conditions affecting the supply of and demand for milk, except during the period of general price control, when normal movement of prices was restrained. It is therefore reasonable to expect that the formula will reflect, currently, future changes in economic conditions.

During the four years 1943 through 1946 shortages of milk in the marketing area have occurred each fall. The most recent data in the record on consumption of fluid milk in the marketing area indicate a lower level of consumption in 1947 than in 1946, but after allowing for normal seasonal variation in demand it appears that the trend has leveled off and a continued high level of milk consumption is indicated.

The record shows that in the fall of 1947 farmers in the supply area were paying prices for dairy ration 20 to 25 percent over prices paid in the fall of 1946; that over-all costs in dairy farm operations had increased in excess of 10 percent; that labor costs have increased, but to a lesser extent. The formula indicated at the time of the hearing the need for prices 44 cents per hundredweight higher than it indicated for the same months a year earlier, and 44 cents higher than the actual prices effective at the time of the hearing. In view of these repeated shortages, a high level of demand, and increased costs of production, a higher level of Class I prices as indicated by the formula is necessary to secure an adequate supply of pure and wholesome milk.

Seasonal price adjustments. Seasonal adjustments in the level of the Class I price are needed to encourage a more even seasonal pattern of receipts from producers.

Experience in recent years has shown the need for a seasonal price pattern which is more effective in increasing fall and winter production relative to spring and summer production. The lack of seasonal adjustment in Class I prices during the war years probably accounted, in part, for the increased seasonality of receipts during that period. The increase of seasonality in receipts is shown by the changes in the ratio of daily average deliveries in November and December to deliveries in May and June in 1938 and years following. In 1938 daily average deliveries in November and December were about 61 percent of daily average deliveries in May and June; in 1939 the percentage was 62.5; in 1940, 63.9 percent; in 1941, 64 percent; in 1942, 60.4 percent; in 1943, 55.9 percent; in 1944, 58.9 percent; in 1945, 51.2 percent. In 1946, when the percentage was 60.1, the fall receipts were probably influenced by the substantial increase in the Class I price following the removal of price controls as of June 30, 1946, and unusually favorable production conditions.

During the period 1937 through 1940 the blend price for all milk purchased averaged 40 percent higher in November and December than the May–June average blend price. During this same period, November receipts were 60 to 65 percent of June receipts. Under present conditions, with a much higher percentage of Class I milk utilized, a seasonal differential of 88 cents per hundredweight in Class I price will produce about a 40 percent seasonal variation in the blend price for all milk. Under present conditions and at present price levels an 88-cent seasonal variation in Class I prices is needed to encourage a seasonal pattern of receipts more nearly approaching the pre-war pattern.

A seasonal pricing pattern with changes at the beginning of each calendar quarter appears suited to the need for seasonal pricing. May and June are recognized as the months of heaviest production and November and December are generally the months of shortest supply. Since producers receive payment for their milk in the month following the month in which they market it, the impact of a price change is delayed about one month. Price changes one month in advance of each of these extreme periods will emphasize the seasonal price by prior announcement and earlier influence on the payments made to producers. Prices halfway between the seasonal high and low, for the first and third quarters of the year, are desirable in order to give a smoother adjustment to changing conditions between the flush pasture season of the spring and the short season of the fall.

Surplus and shortage adjustment. An automatic adjustment to raise or lower the formula price if receipts from producers are clearly out of proportion to Class I sales is a desirable feature of the formula. The record indicates that if the Class I price is at such a level that the market supply increases from year to year while fluid milk sales are constant or declining the percentage of Class II milk will increase and the blended price will decline. The best interest of the public and producers requires that the Class I price be adjusted downward under these conditions. If market receipts of milk fail to keep pace with increasing Class I sales a prompt upward adjustment of the price will tend to offset the disparity.

The committee of economists recommended that this offset adjustment should operate to increase the price 44 cents per hundredweight above the level which the formula would otherwise yield if the total Class II milk (all milk except Class I) for the 12 preceding months had been less than 33 percent of the total receipts from producers during the same period. Conversely the price would be decreased 44 cents per hundredweight if this Class II percentage exceeded 41.

In the 10-year period for which data were available for study, these limits were exceeded only in periods of recognized excess or shortage.

A price adjustment to correct a supply situation needs to be large enough to focus attention upon it and bring about a readjustment of supply and sales trends as soon as possible. At the present general level of milk prices the recommended price adjustment of 44 cents per hundredweight is regarded sufficient to restore the balance of supplies to sales. Any adjustment smaller than 44 cents would not bring about the desired adjustment as quickly.

With a seasonal pattern of production similar to that of the pre-war years, the committee estimated that the minimum reserve for the market should be 33 percent Class II milk for the entire year. The 33 percent reserve was calculated to insure a reserve of 15 percent in the shortest production month if the seasonal pattern of production was equal to the pre-war pattern. The computation of a 12-month average reserve was recommended to remove the seasonal influence

from the reserve requirement and to limit this kind of adjustment to trends which were indicated by several months experience.

The maximum reserve which the market could reasonably bear was calculated on an annual basis by combining the prewar seasonality of receipts from producers and a maximum reserve of 25 percent in the lowest production month.

The years in which the Class II percentage fell outside these limits were studied by the committee. They found that market opinion generally would have considered the market to have been more than adequately supplied in those periods when the annual total of Class II milk exceeded 41 percent of receipts from producers. It would have been generally conceded also that the market was not adequately supplied when the annual Class II percentage was less than 33 percent.

In addition to the limits of 33 and 41 percent reserve on a 12-month basis, the proposal included a device which would prevent the price from dropping into the normal price bracket in the 12 months following a month in which the reserve fell below 15 percent even though the 12-month average reserve climbed above 33 percent. The necessity for such maintenance of the Class I price for a 12-month period was not established by the record.

The evidence shows that some part of this reserve is required for Class II sales. Furthermore, the fact that the market reserve fell below 15 percent in one month cannot be considered indicative that it has developed a real shortage unless the relationship during the rest of the year supports that view. The demands of markets outside Boston for Class I milk are highly variable and the sales one year are not indicative of the next.

Since each of these factors will have much more effect on a 1-month figure than a 12-month average, the recommendation to forestall the operation of this adjustment if in any of the previous 12 months the percentage of Class II was less than 15 should not be adopted. If a situation arises in which the limits recommended herein are not reasonable, the remedy should be found at a public hearing where these other variable factor can be considered.

A further safeguard in the operation of this adjustment for surplus or shortage conditions in the market appears to be necessary. The periods of poor adjustment between the supply of milk and the Class I sales have been associated at times with rapidly rising or falling prices. During such periods the normal lag in price adjustments based on indexes published in a previous period results in a price somewhat lower or somewhat higher than current conditions warrant. Since the surplus-shortage adjustment is designed to adjust for long-time trends and not to offset the recognized lag in the use of previously published factors, the operation of this adjustment should be halted whenever it would produce a price more than 88 cents above or below the price established for the same month in the previous year. A change of 88 cents per hundredweight as reflected by the index factors over a period of one year would probably be brought about by a substantial movement in the price level.

The purpose of the surplus and shortage adjustment is to bring about a 44-cent increase or decrease in the proposed formula Class I prices if such prices during previous months have not brought forth a supply of milk in relation to Class I sales within the limits which appear to be necessary for an adequate, but not an excessive, supply of milk for the market the year around. The effective date of the surplus and shortage adjustment provision of the proposed amendments should, therefore, be deferred until the proposed formula prices have been in effect for a reasonable period of time. January 1, 1949, has been selected as the effective date for these special adjustment provisions because such date will permit the expiration of a reasonable time during which the market will experience the effect of the proposed new prices on the supply of milk during high and low production periods.

Producers excepted to the deferment of the effective date of the surplus and shortage adjustment on the ground that shortages which might occur before January 1, 1949 could be overcome to some extent by the immediate adoption of that feature of the proposal. In addition to the effect which the basic indexes will have on the price, the seasonal adjustment provisions of the proposed formula are specifically designed to bring about an increase in the production of milk during the fall months. The surplus and shortage adjustment, on the other hand, is designed as a supplementary, long-term safeguard to be operative only if experience demonstrates that the proposed formula prices, which appear to be adequate under ordinary conditions, do not maintain the desirable balance between the supply of and demand for Class I milk in the marketing area. The exceptions to the deferral of the effective date of the surplus and shortage provisions are, therefore, denied.

A group of New York handlers excepted to the use of the surplus and shortage adjustment because it would allegedly make more difficult the alignment of prices between the Boston and New York markets in the event a similar formula were adopted as part of the New York order.

The surplus and shortage adjustment should accomplish just the opposite result. If the blend price in Boston is for any period substantially above or below the New York blend price, milk would tend to move toward or away from the Boston market, thereby affecting the total supply. This would bring into operation the surplus and shortage adjustment which will tend to bring the prices in the two markets back to their appropriate relationship. The exceptions filed to the use of this adjustment are, therefore, overruled.

Minimum amount of price change at one time. Changes in the Class I price should be made in multiples of 22 cents per hundredweight. A change of 22 cents per hundredweight in the price for Class I milk to producers has been established in this market since June 1946.

Handlers excepted to the use of 22-cent intervals and requested that changes in the Class I price be made in multiples of 44 cents. If changes were made in 44-cent intervals, the adjustment of supplies and sales to economic conditions would be less prompt. Although it might be argued that the chances are as good for the price to be just over the bracket line on the high side as they are for the price to be just under the line on the low side, considerable dissatisfaction might develop if the formula index hovered for several months just under the point which would increase the price 44 cents. The importance of such borderline conditions is halved by the use of 22-cent brackets. For the foregoing reasons the exceptions filed to the recommended decision in this regard are denied.

Extension of price schedule. At the hearing a proposal was made to extend the price schedule from a high of $6.09 for first and third quarter prices to a high of $7.85 and to eliminate from the schedule the price brackets below $3.23 for the first and third quarters. At the time of the hearing the formula index factor fell in the 174–180 bracket with the recommended schedule providing for only two more bracket increases, equivalent to 22 cents each. A handler excepted to a general clause for extending the formula prices, suggesting that the first six brackets be eliminated from the proposed table and six more brackets be added. The order now contains a provision to extend the formula prices at the same rate as that established by the present schedule. This type of provision adapted to the proposed formula would permit adjustments in line with the standards represented by the formula. The formula was studied in its application to price levels as low as those provided for in the lower price brackets. Although some questions were raised concerning the amounts of adjustments in the lower price brackets for seasonal and other supply adjustments, no criticism of the basic formula in these lower price ranges was offered. The formula table recommended at the hearing was the most reasonable schedule offered and should be adopted with the proviso that it may be extended at the rate of extension in the six highest index brackets. The exception filed with respect to the extension of the table is therefore denied.

Plant handling and transportation differentials. A suggestion was made at the hearing that the revised rates of plant handling and transportation differentials effective November 1, 1947, by reason of a revised tariff schedule applicable on that date, be stated in an amendment to the order. Since that paragraph of the order is not affected by this amendment and the present provision provides for automatic adjustments, no change should be made in the order schedule at this time.

Relationship to other market prices. The hearing to consider this proposed method of pricing Class I milk for the Boston market was called to consider also the adoption of similar formulas for pricing Class I milk in the orders regulating the handling of milk in the Lowell-

Lawrence and Fall River, Massachusetts, milk marketing areas. Decisions are being issued to the effect that adoption of this type of formula is appropriate for these two Massachusetts markets. The record indicates that Class I price changes in these smaller markets deriving their supplies from a production area similar to that for Boston and to a great extent overlapping that production area should be closely related to price changes in the Boston market.

The relationship of prices resulting from the formula to prices which might be established in other large markets, particularly the Metropolitan New York market was considered important in view of the possible shifts in supplies and unstable market conditions which might result from a continued disparity of prices. The necessity for general coordination between prices in these two markets was established with no dissenting opinions or evidence offered. However, the degree of exactness with which prices in the Boston market and prices in the New York market need to move together is important in the consideration of this proposed formula.

The degree of exactness with which prices in the Boston market and prices in the New York market need to move together was considered at the hearing. Since the orders in these two markets are not identical and the utilization of milk differs substantially, a precise alignment of the Boston and New York fluid milk prices at some exact amount cannot produce each month the same blend prices paid to producers in areas where the two markets compete for milk. Producers in these areas are accustomed to small differences in the prices offered by the two markets from month to month. Such differences in the blend prices have occurred from time to time without causing unsettled market conditions.

The Class I prices in the two markets differed by varying amounts in the period 1938–1947. For example, Tables 3 and 4 of Exhibit 4 indicate that the Boston Class I price for 3.7 percent milk at the 201–210 mile zone exceeded the New York 201-210 mile zone Class I–A price by 37 cents in May 1940, but in December of the same year the New York price exceeded the Boston price by 14 cents. The alignment of Class I milk prices in these major milk markets needs to be considered, therefore, over a period of time and in view of the actual conditions of supplies and sales in each market. Each of the index factors in the formula reflects to some extent conditions outside as well as inside the local milkshed. Since the formula would reflect national as well as local factors the prices determined by it would be influenced by such conditions. The same national factors and some of the local factors would be expected to influence prices in the New York milkshed.

The Milk Dealers' Association of Metropolitan New York, Inc., and another group of New York handlers, in their exceptions, specifically requested that the hearing held in this proceeding be reopened for the receipt of additional evidence. Similarly, a representative of the Milk Dealers' Association of Metropolitan New York, Inc., requested, at the hearing, that action on the proposed formula for Boston be deferred in order to afford New York handlers and producers a greater opportunity to study the effects of the proposed formula on the relationship existing between the two markets. This witness indicated that the interest of New York handlers in the adoption of the proposed formula lay in the fact that the price paid to Boston producers may influence the price which New York handlers, because of competition for supplies, have to pay their producers, irrespective of the minimum prices prescribed in the New York order. This witness argued that the New York Class I–A price and the Boston Class I price should be held in direct relationship, but did not state what the relationship should be or introduce data to support his position. This witness admitted that the shifting of producers was not caused by the Class I price paid in the respective markets, but was due to the differences in the blend prices, i. e., the actual prices received by producers. The postponement of action on the proposed formula was vigorously opposed by representatives of Boston handlers and producers. It was pointed out that the Boston milk supply is only one-fifth of that of New York; hence, the Boston market could not be considered as dominating the New York market competitively; that the present formulas in both the New York and Boston markets have not been a price determinant in recent months; that producers do not shift back and forth between the markets monthly; and that the New York handlers proposed no concrete suggestions to remedy the maladjustment, if any, which may exist between the markets.

In support of its application for a reopening of the hearing for further consideration of the proposed formula for Boston, the aforesaid Milk Dealers' Association attached to its exceptions an analysis of the proposed formula supported by tables of statistical data which, presumably, it is prepared to introduce in evidence at the requested reopened hearing. While this material is not legal evidence in the record of the hearing which was held in this proceeding, it was nevertheless carefully considered with respect to the application to reopen the hearing and it is concluded that even if such evidence were in the record, it is not sufficient to refute or outweigh the record evidence supporting and justifying the adoption of the proposed formula for the Boston market at the earliest practicable date. The material offered does not indicate that the adoption of the proposed Class I price formula for the Boston market will make the problem of establishing or maintaining an appropriate price relationship between the two markets, over significant periods of time, any more difficult than at present. The request for the reopening of the hearing or the postponement of action in this proceeding, therefore, is denied.

General. (a) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentative marketing agreement upon which the hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) of the act are not reasonable in view of the price of feed, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Greater Boston, Massachusetts Milk Marketing Area" and "Order Amending the Order, As Amended, Regulating the Handling of Milk in the Greater Boston, Massachusetts Milk Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 18th day of March 1948.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Order,[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area*

§ 904.0 *Findings upon the basis of the hearing record.* (a) Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159), public hearings were held upon certain proposed amendments to the tentative approved marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearings and the record thereof, it is found that:

(1) The said order as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 904.7 renumber paragraph (a) (2), and paragraphs (a) (2) (i) and (a) (2) (ii) as paragraph (g), paragraph (g) (1) and (g) (2), respectively, and insert as paragraph headnote "(g) Allocation of Class I milk to plants."

2. Delete § 904.7 (a) (1) and substitute therefor the following:

(a) *Class I prices.* (1) For Class I milk received from producers, each pool handler shall pay, in the manner set forth in § 904.9 and subject to the differentials applicable pursuant to paragraph (c) of this section, not less than the price per hundredweight determined for each month pursuant to this paragraph. In determining the Class I price for each month the latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month fall on a Sunday, or legal holiday, the latest figures available on the next succeeding work day shall be used:

(i) Divide by 0.98 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the year 1926 as the base period.

(2) Divide by 3 the sum of the three latest monthly indexes of department store sales in the Boston Federal Reserve District adjusted for seasonal variations, as reported by the Federal Reserve System, with the years 1935–39 as the base period, and divide the result so obtained by 1.26.

(3) Compute an index of grain-labor costs in the Boston milkshed in the following manner:

(i) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed, as reported by the United States Department of Agriculture, divide by 0.5044, and multiply by 0.6.

(ii) Compute the weighted average of the monthly composite farm wage rates for the latest available month for Maine, Massachusetts, New Hampshire, and Vermont, as reported by the United States Department of Agriculture, divide by 0.5952, and multiply by 0.4. In computing the weighted average, weight the respective rates as follows: Maine, 10; Massachusetts, 6; New Hampshire, 7, and Vermont, 77.

(iii) Add the results determined pursuant to subdivisions (i) and (ii) of this subparagraph.

(4) Divide by 3 the sum of the final results computed pursuant to the preceding subparagraphs of this paragraph. Express the result as a whole number by dropping fractions of less than one-half or by raising fractions of one-half or more to the next whole number. The result shall be known as the formula index.

(5) Subject to the succeeding subparagraphs of this paragraph, the Class I price per hundredweight for milk received from producers at plants located in the 201–210-mile zone shall be as shown in the following table.

CLASS I PRICE SCHEDULE

Formula index	Class I price per hundredweight		
	Jan.-Feb.-Mar.-July-Aug.-Sept.	Apr.-May-June	Oct.-Nov.-Dec.
50–56	$1.69	$1.25	$2.13
57–63	1.91	1.47	2.35
64–70	2.13	1.69	2.57
71–77	2.35	1.91	2.79
78–84	2.57	2.13	3.01
85–90	2.79	2.35	3.23
91–97	3.01	2.57	3.45
98–104	3.23	2.79	3.67
105–111	3.45	3.01	3.89
112–118	3.67	3.23	4.11
119–125	3.89	3.45	4.33
126–132	4.11	3.67	4.55
133–139	4.33	3.89	4.77
140–146	4.55	4.11	4.99
147–152	4.77	4.33	5.21
153–159	4.99	4.55	5.43
160–166	5.21	4.77	5.65
167–173	5.43	4.99	5.87
174–180	5.65	5.21	6.09
181–187	5.87	5.43	6.31
188–194	6.09	5.65	6.53

If the formula index is more than 194 the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the six highest index brackets.

(6) For any month after December 1948, the Class I price shall be 44 cents more than the price described in subparagraph (5) of this paragraph if less than 33 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding month was Class II milk, except that if the operation of this subparagraph would cause the Class I price to be more than 88 cents above the Class I price for the same month of the preceding year, its application shall be limited to only such portion of the 44-cent increase as will result in a Class I price equal to the Class I price for the same month of the preceding year plus 88 cents.

(7) For any month after December 1948, the Class I price shall be 44 cents less than the price prescribed in subparagraph (5) of this pararagraph if more than 41 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding month was Class II milk, except that if the operation of this subparagraph would cause the Class I price to be more than 88 cents below the Class I price for the same month of the preceding year, its application shall be limited to only such portion of the 44-cent reduction as will result in a Class I price equal to the Class I price for the same month of the preceding year minus 88 cents.

(8) Notwithstanding the provisions of the preceding subparagraphs of this paragraph, the Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding month, and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding month.

3. In § 904.7 delete subparagraph (1) of paragraph (f), and substitute therefor the following:

(1) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday, he shall announce the Class I price on the next succeeding work day.

[F. R. Doc. 48–2520; Filed, Mar. 22, 1948; 9:05 a. m.]

[7 CFR, Part 927]

HANDLING OF MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENT TO ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings

to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq., 12 F. R. 1159, 4904), a public hearing was held at New York City on February 16 and 17, 1948, upon certain proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area.

Material issues presented at this hearing are as follows:

(1) The establishment of minimum floor prices for Class I-A milk beginning April 1, 1948.

(2) Omission of the Assistant Administrator's recommended decision.

Findings and conclusions. The following findings and conclusions on material issues are based upon evidence introduced at the hearing and the record thereof.

(1) Minimum floor prices per hundredweight of Class I–A milk should be established for the months of April, May, June, and July 1948 as follows: For April, $5.46, for May and June, $5.02, and for July, $5.46. Evidence in the record does not justify establishment of floor prices for a longer period.

The month of November was the first month in 1947 in which the receipt of milk per day per dairy at pool plants averaged lower than in the same month a year earlier. Likewise, in each of the months of December 1947 and January 1948, milk received per day per dairy was lower than in the same month a year earlier. January 1948 receipts per day per dairy averaged 16 pounds less than in January 1947. There were 884 fewer producers delivering milk at pool plants in January 1948 than in January 1947.

The production of pool milk in each of the months of January through October 1947 was greater than in the same month in 1946, and for the year 1947 the volume of pool milk was 3.2 percent higher than for the year 1946, but 3.7 percent lower than for the year 1940. In November and December 1947 and January 1948, however, the production of pool milk was lower than that in the same month a year earlier by 2.6, 4.3, and 7.5 percent, respectively. Indications are that production during the next few months will be somewhat less than during the corresponding months of 1947.

The average cost of producing milk in December 1947 was about 11 to 13 percent higher than in December 1946. Although some decline had occurred by the middle of February in prices paid by farmers for feed grain and dairy rations, a level of feed costs and total production costs per hundredweight of milk higher than in the same period last year was shown to be in prospect at least for the balance of the current barn-feeding season. The milk-feed price ratio was relatively unfavorable to milk production during the last part of 1947, and in January 1948 was less favorable than in any January for the last 10 years. Roughage available for feeding during the balance of the current barn-feeding season is below average in quality.

Evidence in the record indicates that the existence during recent months of prices for feed and for dairy cattle sold for beef which are high in relation to prices received for milk has created a tendency for farmers to dispose of dairy cows and calves at a rate sufficient to jeopardize the continued production of a supply of milk adequate to meet market requirements.

Although production for the year 1947 was 3.7 percent less than in 1940, production during the period March through October 1947 was about the same as in the corresponding period of 1940. In each of the other 4 months production in 1947 was from 10 to 15 percent below 1940. Seasonal variation in production was greater in 1947 than in 1946. However, the increased rate of freshening in the late summer and fall months of 1947 indicates that some progress is being made to correct the wide seasonal variation in production. A pattern of pricing which will continue the incentive for less seasonal variation in production is necessary in 1948.

Sales of fluid milk in the marketing area in 1947 were 1.3 percent below 1946. Fluid milk sales in January 1948 were 3.2 percent below January 1947, but were a larger percentage of pool milk in January 1948 than in January 1947. Per capita consumption of milk in the marketing area in 1947 was slightly lower than in 1946 but substantially above any year prior to 1943. No significant change in the volume of fluid milk sales is in prospect.

Adoption of proposals made at the the hearing for establishment during the season of flush production of minimum floor prices for Class I–A milk higher than during the past season of short production would constitute distortion of the desirable seasonal pattern of prices to an extent not justified by prevailing and prospective economic conditions. The downward trend in production during recent months in relation to a year ago and in relation to market requirements, accompanied by continuing high production costs, however, does justify deferment until May 1 of any seasonal price decline. Maintenance of the present Class I–A price of $5.46 during April and assurance of a return to the same level on July 1, following the seasonal decline to $5.02 during May and June, should encourage retention of cows bred to freshen after July 1 and the proper care and feeding of spring-freshened cows, both of which should tend to result in the maintenance of herds in a manner to constitute a potential source of supply adequate to meet market requirements during the next period of seasonally short supply in the fall of 1948. A request was made at the hearing that official notice be taken of market prices for feed grains after the hearing. Such action is not necessary in the circumstances here presented particularly in view of the relatively short time which has elapsed since the hearing.

Evidence in the record fails to justify any sustained departure from the present relationship between the New York Class I–A price and the Boston Class I price. The significant impact on competition for milk supplies for the two markets results primarily from differences between New York and Boston blended prices received by producers for milk of the butterfat test produced in competing territory. Such blended prices are influenced also by factors other than the relationship of Class I prices, and the influence on the blended prices of differences in Class I prices is seasonally at a minimum during the period of April to July.

The Boston Class I price which will be in effect for each of the months of April through July cannot be determined at this time with absolute exactness. However, the upper and lower limits are predictable with sufficient accuracy to indicate that any departure which there may be from the present relationship between New York and Boston Class I prices for the months of April through July resulting from the establishment of the New York Class I–A prices herein set forth will be so temporary and offsetting in character, and so small in amount, as to be insignificant in the aggregate and negligible in its effect. Economic conditions justifying the establishment of the minimum floor prices herein set forth for Class I–A milk outweigh considerations for a more precise alignment of New York and Boston Class I prices than is herein provided.

(2) An emergency exists which requires that action be taken promptly to amend the order to effectuate the above findings and conclusions without allowing time for a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the filing of exceptions thereto. The due and timely execution of the functions of the Secretary of Agriculture under the Act imperatively and unavoidably requires the omission of such recommended decision and filing of exceptions thereto.

Handlers and producers testified without exception at the hearing that failure to establish appropriate floor prices effective not later than April 1, 1948 would seriously jeopardize the future supply of milk for the marketing area. Any delay beyond April 1, 1948 of effectuating the needed changes in the order would seriously threaten an adequate supply of pure and wholesome milk for the New York market, would disrupt orderly marketing, and would be contrary to the public interest. The amending order cannot be issued and made effective by April 1, 1948 unless the recommended decision and the filing of exceptions thereto are omitted.

(3) *General.* (a) The proposed marketing agreement and the proposed amendments to the order, as amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the proposed amendments to the order, as amended, regulates the handling of milk in the same manner and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which the hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as de-

termined pursuant to section 2 and section 8 (e) of the act are not reasonable in view of the price of feed, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the proposed amendments to the order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings on proposed findings and conclusions. Written arguments and proposed findings and conclusions submitted on behalf of interested persons were considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the proposed findings and conclusions differ from the findings and conclusions contained herein, the specific or implied requests to make such findings are denied because of the reasons stated in support of the findings and conclusions in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area" and "Order Amending the Order, As Amended, Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 18th day of March 1948.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Order Amending the Order, as Amended, Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area[1]

§ 927.0 *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 12 F. R. 1159, 4904), a public hearing was held upon certain proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(a) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk and the minimum prices specified in the order as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the New York metropolitan milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

Amend § 927.5 (a) (1) (ii) to read as follows:

(ii) The Class I–A price shall not be less than $5.46 per hundredweight for the month of April 1948, $5.02 per hundredweight for each of the months of May and June 1948, and $5.46 per hundredweight for the month of July 1948.

[F. R. Doc. 48–2513; Filed, Mar. 22, 1948; 9:04 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR, Part 934]

HANDLING OF MILK IN LOWELL-LAWRENCE MILK MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENT TO ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq., 11 F. R. 7737; 12 F. R. 1159, 4904), a public hearing was held at Skowhegan, Maine, St. Johnsbury, Vermont, and Boston, Massachusetts, October 20–24, 1947, pursuant to a notice published in the FEDERAL REGISTER (12 F. R. 6748) on October 14, 1947, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area.

The public hearing on the record of which the proposed amendments were formulated was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of proposed amendments to the tentative marketing agreement and the order, as amended, filed by the Lowell-Lawrence Sales Committee of the New England Milk Producers' Association. The hearing was held jointly on the consideration of similar amendments to the orders regulating the handling of milk in the Greater Boston, Fall River, and Lowell-Lawrence markets.

The material issues presented on the record were concerned with the question of whether Class I milk for the Boston market should be priced by a proposed formula based on the relative changes in the index of wholesale commodity prices in the United States, an index representing changes in dairy feed and farm labor costs in the Boston milkshed, and the index of New England department store sales, with appropriate seasonal price differences and with a special automatic adjustment in case of shortage or surplus in the market.

The issue with respect to the proposed amendment to the Lowell-Lawrence order involved the further question of whether the proposed method of pricing, even though found desirable for Boston, should be adopted for the Lowell-Lawrence market.

A notice of recommended decision and opportunity to file written exceptions to recommended findings and conclusions on these issues was filed on February 27, 1948, and published in the FEDERAL REGISTER (13 F. R. 1126). Exceptions to that recommended decision were filed on behalf of the Lowell-Lawrence Sales Committee of New England Milk Producers' Association.

The exceptions filed were considered in making the findings and conclusions set forth in this decision. To the extent that the findings and conclusions contained herein with respect to each issue are at variance with any exception pertaining thereto, such exceptions are denied. The exceptions are discussed in the findings and conclusions with respect to the point to which the exception refers.

The recommended decision contained rulings upon the proposed findings and conclusions submitted by interested parties in the proceeding. Such rulings are confirmed except as they are modified by the findings and conclusions set forth herein.

A decision with respect to the proposed method of pricing Class I milk for the Boston market issued simultaneously herewith contains the findings and con-

clusions with respect to the proposed formula for the Boston order.

Findings and conclusions. The following findings and conclusions on material issues are based upon the evidence introduced at the hearing and the record thereof.

The findings, conclusions, and rulings made in the decision issued simultaneously herewith, supra, with respect to the proposed method of pricing Class I milk under the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, are adopted as the findings, conclusions, and rulings of this decision as though fully set forth herein except insofar as such findings, conclusions, and rulings may be modified by the supplementary findings, conclusions, and rulings hereinafter set forth.

The Boston and Lowell-Lawrence milk markets are so near to each other and so interrelated that a close correlation of price changes is necessary for stable market conditions. The milksheds of these two markets overlap so that there is ample opportunity for producers to shift their supply from one market to the other if substantially different prices are offered. The Lowell-Lawrence market draws a considerable portion of its supply during certain seasons from Boston pool plants. Any substantial difference in prices would result in unequal pricing of milk from local producers and from Boston plants.

The proposed method of formula pricing should be established for the Lowell-Lawrence market to maintain close relationship to the Boston price. For that reason the factors determining the price should be the same in each order with the resultant prices reflecting the established differentials. The record indicates that the schedule of prices for the Lowell-Lawrence market should be established at a level which will maintain about the same price relationship which existed between the markets at the time of the hearing.

It was proposed at the hearing that the Lowell-Lawrence order should provide for automatic adjustments of the Lowell-Lawrence price each time the Boston city price is adjusted automatically to reflect changes in freight rates on shipments of milk to Boston, and no one offered evidence against or otherwise objected, to this proposal. The finding was made in the recommended decision that this adjustment should not be adopted since there were other differences between the two orders and consequently a precise alignment of prices to producers under these orders could not be assured even by this device. Producers took exception to this finding.

As indicated above, the evidence in this hearing record shows that these two markets are so close and so interrelated that price movements in one market react quickly on the other market if substantially similar changes in price do not take place. The conclusion that formulas for determining the Class I prices in these two markets be based on the same factors recognizes this close relationship. Freight rates on shipments to Greater Boston are another factor which automatically changes the Class I price in various zones of the Boston milkshed. A similar provision is not now contained in the Lowell-Lawrence order. Although, as the Assistant Administrator pointed out, there are other factors affecting the price relationship between these markets, the disturbances in this relationship caused by the one factor, i. e., automatic freight rate adjustments in the Boston order and the lack of similar provisions in the Lowell-Lawrence order, are serious enough, and the evidence in connection therewith of sufficient weight to warrant corrective action even though other factors which might affect the relationship were not considered at the hearing. It is concluded, therefore, that provision should be made in the Lowell-Lawrence order for an automatic adjustment in the Class I price to reflect freight rate changes.

For the convenience of the industry and the public, the market administrator should announce promptly the Class I price for each delivery period as computed according to the proposed formula.

The inclusion of the proposed formula in the order will require the renumbering of certain provisions thereof and the changing of certain paragraph references.

General. (a) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the said tentative marketing agreement upon which the hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) of the act are not reasonable in view of the price of feed, available supplies of feed, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, are such as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Lowell-Lawrence, Massachusetts, Milk Marketing Area" and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Lowell-Lawrence, Massachusetts, Milk Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 18th day of March 1948.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Order,[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Lowell-Lawrence, Massachusetts, Marketing Area*

§ 934.0 *Findings upon the basis of the hearing record.* (a) Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1947, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 4904), public hearings were held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearings and the record thereof, it is found that:

(1) The said order as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 934.3 (a) add a new subparagraph to read as follows:

(13) The term "Boston order" means the order, as amended, issued by the Secretary, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area.

2. In § 934.6 renumber paragraphs (b), (c), and (d) as paragraphs (d), (e) and (f), respectively. In § 934.6 (d) (2) (i) and (ii), as renumbered, substitute the paragraph reference "(e)" for "(c)." In paragraph (e), as renumbered, substitute the paragraph reference "(d)" for "(b)".

3. Delete § 934.6 (a) and substitute therefor the following:

(a) *Class I price; city plants.* Each handler shall pay producers, at the time and in the manner set forth in § 934.10, for Class I milk delivered from producers' farms to such handlers' plant located within 20 miles of the City Hall in Lowell or Lawrence, not less than the price per hundredweight determined for each delivery period pursuant to this paragraph. In determining the Class I price for each delivery period the latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday, the latest reported figures available on the next succeeding work day shall be used.

(1) Divided by 0.98 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the year 1926 as the base period.

(2) Divide by 3 the sum of the three latest monthly indexes of department store sales in the Boston Federal Reserve District adjusted for seasonal variations, as reported by the Federal Reserve System, with the years 1935–39 as the base period, and divide the result so obtained by 1.26.

(3) Compute an index of grain-labor costs in the Boston milkshed in the following manner:

(i) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed, as reported by the United States Department of Agriculture, divide by 0.5044, and multiply by 0.6.

(ii) Compute the weighted average of the monthly composite farm wage rates for the latest available month for Maine, Massachusetts, New Hampshire, and Vermont, as reported by the United States Department of Agriculture; divide by 0.5952, and multiply by 0.4. In computing the weighted average, weight the respective rates as follows: Maine, 10; Massachusetts, 6; New Hampshire, 7; and Vermont 77.

(iii) Add the results determined pursuant to subdivisions (i) and (ii) of this subparagraph.

(4) Divide by 3 the sum of the final results computed pursuant to the preceding subparagraphs of this paragraph. Express the result as a whole number by dropping fractions of less than one-half or by raising fractions of one-half or more to the next whole number. The result shall be known as the formula index.

(5) Subject to the succeeding subparagraphs of this paragraph, the Class I price per hundredweight shall be as shown in the following table.

CLASS I PRICE SCHEDULE

Formula Index	Class I price per hundredweight		
	Jan.-Feb.-Mar. July-Aug.-Sept.	Apr.-May-June	Oct.-Nov.-Dec.
50–56	$2.15	$1.71	$2.59
57–63	2.37	1.93	2.81
64–70	2.59	2.15	3.03
71–77	2.81	2.37	3.25
78–84	3.03	2.59	3.47
85–90	3.25	2.81	3.69
91–97	3.47	3.03	3.91
98–104	3.69	3.25	4.13
105–111	3.91	3.47	4.35
112–118	4.13	3.69	4.57
119–125	4.35	3.91	4.79
126–132	4.57	4.13	5.01
133–139	4.79	4.35	5.23
140–146	5.01	4.57	5.45
147–152	5.23	4.79	5.67
153–159	5.45	5.01	5.89
160–166	5.67	5.23	6.11
167–173	5.89	5.45	6.33
174–180	6.11	5.67	6.55
181–187	6.33	5.89	6.77
188–194	6.55	6.11	6.99

If the formula index is more than 194 the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the six highest index brackets.

(6) For any delivery period after December 1948, the Class I price shall be 44 cents more than the price prescribed in subparagraph (5) of this paragraph if, under the provisions of the Boston order, less than 35 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding month was Class II milk, except that if the operation of this subparagraph would cause the Class I price to be more than 88 cents above the Class I price for the same month of the preceding year, its application shall be limited to only such portion of the 44-cent inerease as will result in a Class I price equal to the Class I price for the same month of the preceding year plus 88 cents.

(7) For any delivery period after December 1948, the Class I price shall be 44 cents less than the price prescribed in subparagraph (5) of this paragraph if, under the provisions of the Boston order, more than 41 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding month was Class II milk, except that if the operation of this subparagraph would cause the Class I price to be more than 88 cents below the Class I price for the same month of the preceding year, its application shall be limited to only such portion of the 44-cent reduction as will result in a Class I price equal to the Class I price for the same month of the preceding year minus 88 cents.

(8) Notwithstanding the provisions of the preceding subparagraphs of this paragraph, the Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding month, and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding month.

(9) The Class I price determined under the preceding subparagraphs of this paragraph shall be increased or decreased to the extent of any increase or decrease effective after September 1947 in the rail tariff for the transportation of milk in carlots in tank cars for mileage distances of 201–210 miles inclusive, as published in the New England Joint Tariff, M–5, and supplements thereto. The adjustment shall be made to the nearest one-half cent per hundredweight, and shall be effective in the first complete delivery period in which such increase or decrease in the rail tariff applies.

(b) *Class I prices; either plants.* Each handler shall pay producers, at the time and in the manner set forth in § 934.10, for Class I milk delivered from producers' farms to such handler's plant located beyond 20 miles of the City Halls in Lowell and Lawrence, not less than the applicable price per hundredweight determined pursuant to this paragraph.

(1) For milk delivered from producers' farms to such handler's plant located beyond 20 miles of the City Halls in Lowell and Lawrence, but within 40 miles of the City Hall in Lowell or Lawrence, the price per hundredweight during each delivery period shall be the price effective pursuant to paragraph (a) of this section, less 17 cents per hundredweight.

(2) For milk delivered from producers' farms to such handler's plant not located within 40 miles of the City Hall in Lowell or Lawrence the price per hundredweight during each delivery period shall be the price effective pursuant to paragraph (a) of this section, less an amount per hundredweight equal to the sum of 13 cents and the average of the freight rates (considering 85 pounds to one 40-quart can), from the railroad shipping point for such handler's plant to Lowell and to Lawrence, calculated according to the lowest applicable rail tariffs for the

transportation in carload lots of milk in 40-quart cans.

(c) *Allocation of Class I milk to plants.* For the purpose of this section, the milk which was disposed of during each delivery period by each handler as Class I milk from a handler's receiving plant located within 20 miles of the City Hall in Lowell or Lawrence shall be considered to have been first, that milk which was received directly from producers' farms at such plant, and then that milk including skim milk and buttermilk which was shipped from the nearest receiving plant not located within 20 miles of the City Hall in Lowell or Lawrence.

4. In § 934.6, add a new paragraph as follows:

(g) *Announcement of Class I price.* The market administrator shall publicly announce the Class I price for each delivery period, as computed under paragraph (a) of this section, on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday, he shall announce the Class I price on the next succeeding work day.

5. In § 934.9 (a) (2), delete the words "§ 934.6 (a) and § 934.6 (b)," and substitute therefor the words "paragraphs (a), (b), (c), and (d) of § 934.6".

[F. R. Doc. 48-2522; Filed, Mar. 22, 1948; 9:06 a. m.]

[7 CFR, Part 947]

HANDLING OF MILK IN FALL RIVER MILK MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENT TO ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq., 11 F. R. 7737; 12 F. R. 1159, 4904), a public hearing was held at Skowhegan, Maine, St. Johnsbury, Vermont, and Boston, Massachusetts, October 20–24, 1947, pursuant to a notice published in the FEDERAL REGISTER (12 F. R. 6748) on October 14, 1947, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area.

The public hearing on the record of which the proposed amendments were formulated was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of proposed amendments to the tentative marketing agreement and the order, as amended, filed by the Joint Fall River Sales Committee of the New England Milk Producers' Association and the Fall River Milk Producers' Association. The hearing was held jointly on the consideration of similar amendments to the orders regulating the handling of milk in the Greater Boston, Fall River, and Lowell-Lawrence markets.

The material issues presented on the record were concerned with the question of whether Class I milk for the Boston market should be priced by a proposed formula based on the relative changes in the index of wholesale commodity prices in the United States, an index representing changes in dairy feed and farm labor costs in the Boston milkshed, and the index of New England department store sales, with appropriate seasonal price differences and with a special automatic adjustment in case of shortage or surplus in the market.

The issue with respect to the proposed amendment to the Fall River order involved the further question of whether the proposed method of pricing, even though found desirable for Boston, should be adopted for the Fall River market.

A notice of recommended decision and opportunity to file written exceptions to recommended findings and conclusions on these issues was filed on February 27, 1948 and published in the FEDERAL REGISTER (13 F. R. 1127). Exceptions to that recommended decision were filed on behalf of the Joint Fall River Sales Committee of New England Milk Producers' Association and the Fall River Milk Producers' Association.

The exceptions filed were considered in making the findings and conclusions set forth in this decision. To the extent that the findings and conclusions contained herein with respect to each issue are at variance with any exception pertaining thereto, such exceptions are denied. The exceptions are discussed in the findings and conclusions with respect to the point to which the exception refers.

The recommended decision contained rulings upon the proposed findings and conclusions submitted by interested parties in the proceeding. Such rulings are confirmed except as they are modified by the findings and conclusions set forth herein.

Findings and conclusions. The following findings and conclusions on material issues are based upon the evidence introduced at the hearing and the record thereof.

The findings, conclusions, and rulings made in the decision issued simultaneously herewith, *supra*, with respect to the proposed method of pricing Class I milk under the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, are adopted as the findings, conclusions, and rulings of this decision as though fully set forth herein, except insofar as such findings, conclusions, and rulings may be modified by the supplementary findings, conclusions, and rulings hereinafter set forth.

The Fall River milk market draws a considerable portion of its supply from Boston milk plants during most of the year. That part of the market supply received from Boston plants is priced at the Class I price established by the Boston order. The differential between the price at Boston plants and the price at Fall River plants was 29 cents per hundredweight at the time of the hearing. Fall River is located at a greater distance from the heavy milk supply region of New England and some part of the differential represents the additional cost of transporting milk to this southern Massachusetts city. The supply of milk from local Fall River producers has not increased in recent years to meet the greater demand for milk in the area. The 29-cent differential in price between Boston and Fall River does tend to direct more milk to the Fall River market where a greater supply is needed.

The proposed method of formula pricing should be established for the Fall River market to maintain close relationship to the Boston price. For that reason the factors determining the price should be the same in each order with the resultant prices reflecting the established differentials. The record indicates that the schedule of prices for the Fall River market should be established at a level which will maintain about the same price relationship which existed between the markets at the time of the hearing.

It was proposed at the hearing that the Fall River order should provide for automatic adjustments of the Fall River price each time the Boston city price is adjusted automatically to reflect changes in freight rates on shipments of milk to Boston, and no one offered evidence against, or otherwise objected, to this proposal. The finding was made in the recommended decision that this adjustment should not be adopted since there were other differences between the two orders and consequently a precise alignment of prices to producers under these orders could not be assured even by this device. Producers took exception to this finding.

As indicated above, the evidence in this hearing record shows that these two markets are so close and so interrelated that price movements in one market react quickly on the other market if substantially similar changes in price do not take place. The conclusion that formulas for determining the Class I prices in these two markets be based on the same factors recognizes this close relationship. Freight rates on shipments to Greater Boston are another factor which automatically changes the Class I price in various zones of the Boston milkshed. A similar provision is not now contained in the Fall River order. Although, as the Assistant Administrator pointed out, there are other factors affecting the price relationship between these markets, the disturbances in this relationship caused by the one factor, i. e., automatic freight rate adjustments in the Boston order and the lack of similar provisions in the Fall River order, are serious enough, and the evidence in connection therewith of sufficient weight to warrant corrective action even though other factors which might affect the relationship were not considered at the hearing. It is concluded, therefore, that provision should be made in the Fall

River order for an automatic adjustment in the Class I price to reflect freight rate changes.

For the convenience of the industry and the public, the market administrator should announce promptly the Class I price for each delivery period as computed according to the proposed formula.

The inclusion of the proposed formula in the order will require the renumbering of certain provisions.

General. (a) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentative marketing agreement upon which the hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) of the act are not reasonable in view of the price of feed, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, are such as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Fall River, Massachusetts, Milk Marketing Area" and "Order Amending the Order, As Amended, Regulating the Handling of Milk in the Fall River, Massachusetts, Milk Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this eighteenth day of March 1948.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Order,[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Fall River, Massachusetts, Marketing Area

§ 947.0 *Findings upon the basis of the hearing record.* (a) Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 4904), public hearings were held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearings and the record thereof, it is found that:

(1) The said order as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Fall River, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 947.1 add a new paragraph to read as follows:

(q) "Boston order" means the Federal order regulating the handling of milk in the Greater Boston, Massachusetts, marketing area.

2. Delete § 947.6 (a) and substitute the following:

(a) *Class I prices.* Each handler shall pay producers or cooperative associations for their milk containing 3.7 percent butterfat, during each delivery period, in the manner set forth in § 947.8 and subject to the differentials set forth in paragraph (c) of this section, for Class I milk delivered by them, not less than the price per hundredweight determined for each delivery period pursuant to this paragraph. In determining the Class I price for each delivery period, the latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations; except that if the 25th day of the preceding month falls on a Sunday or legal holiday, the latest reported figures available on the work day next succeeding shall be used:

(1) Divide by 0.98 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the year 1926 as the base period.

(2) Divide by 3 the sum of the three latest monthly indexes of department store sales in the Boston Federal Reserve District adjusted for seasonal variation as reported by the Federal Reserve System with the years 1935–39 as the base period and divide the result so obtained by 1.26.

(3) Compute an index of grain-labor costs in the Boston milkshed in the following manner:

(i) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed, as reported by the United States Department of Agriculture, divide by 0.5044 and multiply by 0.6.

(ii) Compute the weighted average of the monthly composite farm wage rates for the latest available month for Maine, Massachusetts, New Hampshire, and Vermont, as reported by the United States Department of Agriculture, divide by 0.5952, and multiply by 0.4. In computing the weighted average, weight the respective rates as follows: Maine, 10; Massachusetts, 6; New Hampshire, 7; and Vermont, 77.

(iii) Add the results determined pursuant to subdivisions (i) and (ii) of this subparagraph.

(4) Divide by 3 the sum of the final results computed pursuant to the preceding subparagraphs of this paragraph. Express the result as a whole number by dropping fractions of less than one-half or by raising fractions of one-half or more to the next whole number. The result shall be known as the formula index.

(5) Subject to the succeeding subparagraphs of this paragraph, the Class I

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

price per hundredweight shall be as shown in the following table:

CLASS I PRICE SCHEDULE

Formula index	Class I price per hundredweight		
	Jan.-Feb.-Mar.-July-Aug.-Sept.	Apr.-May-June	Oct.-Nov.-Dec.
50-56	$2.44	$2.00	$2.88
57-63	2.66	2.22	3.10
64-70	2.88	2.44	3.32
71-77	3.10	2.66	3.54
78-84	3.32	2.88	3.76
85-90	3.54	3.10	3.98
91-97	3.76	3.32	4.20
98-104	3.98	3.54	4.42
105-111	4.20	3.76	4.64
112-118	4.42	3.98	4.86
119-125	4.64	4.20	5.08
126-132	4.86	4.42	5.30
133-139	5.08	4.64	5.52
140-146	5.30	4.86	5.74
147-152	5.52	5.08	5.96
153-159	5.74	5.30	6.18
160-166	5.96	5.52	6.40
167-173	6.18	5.74	6.62
174-180	6.40	5.96	6.84
181-187	6.62	6.18	7.06
188-194	6.84	6.40	7.28

If the formula index is more than 194 the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the six highest brackets.

(6) For any delivery period after December 1948, the Class I price shall be 44 cents more than the price prescribed in subparagraph (5) of this paragraph if, under the provisions of the Boston order, less than 33 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding calendar month was Class II milk, except that if the operation of this subparagraph would cause the Class I price to be more than 88 cents above the Class I price for the corresponding delivery period of the preceding year, its application shall be limited to only such portion of the 44-cent increase as will result in a Class I price equal to the Class I price for the corresponding delivery period of the preceding year plus 88 cents.

(7) For any delivery period after December 1948, the Class I price shall be 44 cents less than the price prescribed in subparagraph (5) of this paragraph if, under the provisions of the Boston order, more than 41 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding calendar month was Class II milk, except that if the operation of this subparagraph would cause the Class I price to be more than 88 cents below the Class I price for the corresponding delivery period of the preceding year, its application shall be limited to only such portion of the 44-cent reduction as will result in a Class I price equal to the Class I price for the corresponding delivery period of the preceding year minus 88 cents.

(8) Notwithstanding the provisions of the preceding subparagraphs of this paragraph, the Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding delivery period, and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding delivery period.

(9) The Class I price determined under the preceding subparagraphs of this paragraph shall be increased or decreased to the extent of any increase or decrease effective after September 1947 in the rail tariff for the transportation of milk in carlots in tank cars for mileage distances of 201–210 miles inclusive, as published in the New England Joint Tariff, M–5, and supplements thereto. The adjustment shall be made to the nearest one-half cent per hundredweight, and shall be effective in the first complete delivery period in which such increase or decrease in the rail tariff applies.

(10) For milk delivered to a handler from producers' farms at a plant located more than 100 miles from the City Hall in Fall River, there shall be deducted the sum of 13 cents plus an amount per hundredweight equal to the lowest rail tariff, for the transportation in carlots of milk in 40-quart cans, as published in the New England Joint Tariff, M–5 (including revisions and supplements thereto), for the distance from the railroad shipping point for such plant to the handler's railroad delivery point for the marketing area.

3. In § 947.6 add a new paragraph as follows:

(e) *Announcement of Class I price.* The market administrator shall announce the Class I price for each delivery period, as computed under paragraphs (a) (1) through (a) (9) of this section, on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday, he shall announce the Class I price on the next succeeding work day.

[F. R. Doc. 48–2521; Filed, Mar. 22, 1948; 9:05 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[General Memorandum 59]

ALLOCATION OF FUNDS FOR LOAN

CHANGE OF PROJECT DESIGNATION

NOVEMBER 13, 1947.

The allocations specified below were made by Executive order under the Emergency Relief Appropriation Act of 1935 and it is now desired to change the project designation of such allocations, the indebtedness of Bull Run Power Company to United States of America having been assumed by Prince William Electric Cooperative. However, inasmuch as Executive orders can not be changed by administrative order such project designations should for the purposes of our records be deemed to be changed as follows:

(a) Executive Order dated June 15, 1936, by changing the project designation appearing therein as "Virginia 20 Prince William" in the amount of $58,000 (changed to read "Virginia 6020A1 B. R. P." by General Memorandum No. 47, dated July 1, 1940) to read "Virginia 41 Prince William (Virginia 6020A1 B. R. P.)"; and

(b) Executive Order dated October 30, 1936, by changing the project designation appearing therein as "Virginia 20 Prince William" in the amount of $28,000 (changed to read "Virginia 6020G1 B. R. P." by General Memorandum No. 47, dated July 1, 1940) to read "Virginia 41 Prince William (Virginia 6020G1 B. R. P.)."

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48–2523; Filed, Mar. 22, 1948; 8:55 a. m.]

[Administrative Order 1374]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 6, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Wyoming 24B Sheridan	$210,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc 48–2524; Filed, Mar. 22, 1948; 8:55 a. m.]

[Administrative Order 1375]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 10, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arizona 17C Graham	$222,000
Iowa 71L Buchanan	320,000
Michigan 33P Charlevoix	245,000
Minnesota 85K Todd	255,000
Wisconsin 59D Washington Island	20,000

[SEAL] CARL HAMILTON,
Acting Administrator.

[F. R. Doc. 48–2525; Filed, Mar. 22, 1948; 8:55 a. m.]

[Administrative Order 1376]

ALLOCATION OF FUNDS FOR LOAN

CHANGE OF PROJECT DESIGNATION

NOVEMBER 13, 1947.

Inasmuch as Bull Run Power Company has transferred its assets and liabilities

to Prince William Electric Cooperative and Prince William Electric Cooperative has assumed the entire indebtedness to United States of America, of Bull Run Power Company, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 472, dated June 13, 1940, by changing the project designation appearing therein as "Virginia 0020G2 B. R. P." in the amount of $25,000 to read "Virginia 41 Prince William (Virginia 0020G2 B. R. P.)";

(b) Administrative Order No. 495, dated August 6, 1940, by changing the project designation appearing therein as "Virginia 1020C1 B. R. P." in the amount of $95,000 to read "Virginia 41 Prince William (Virginia 1020C1 B. R. P.)"; and

(c) Administrative Order No. 495, dated August 6, 1940, by changing the project designation appearing therein as "Virginia 1020G3 B. R. P." in the amount of $97,000 to read "Virginia 41 Prince William (Virginia 1020G3 B. R .P.)."

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-2526; Filed, Mar. 22, 1948; 8:55 a. m.]

[Administrative Order 1377]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 13, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arizona 23A Greenlee	$430,000
Missouri 46P Taney	404,000
Texas 69T Erath	390,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-2527; Filed, Mar. 22, 1948; 8:56 a. m.]

[Administrative Order 1378]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 13, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Kansas 48D Ford	$272,000
Missouri 20R Marion	173,000
New Mexico 22A McKinley	280,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-2528; Filed, Mar. 22, 1948; 8:56 a. m.]

[Administrative Order 1379]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 13, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Florida 33C Pasco	$300,000
Kansas 49B Cheyenne	310,000
Ohio 55L Coshocton	115,000
Utah 14B Washington	20,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-2529; Filed, Mar. 22, 1948; 8:56 a. m.]

[Administrative Order 1380]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 14, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount set forth in the following schedule:

Project designation:	*Amount*
South Carolina 23L Dorchester	$550,000

[SEAL] CARL HAMILTON,
Acting Administrator.

[F. R. Doc. 48-2530; Filed, Mar. 22, 1948; 8:56 a. m.]

[Administrative Order 1381]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 14, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Kansas 40 E & F Leavenworth	$345,000
Missouri 36N Audrain	130,000
Missouri 43M Laclede	593,000

[SEAL] CARL HAMILTON,
Acting Administrator.

[F. R. Doc. 48-2531; Filed, Mar. 22, 1948; 8:56 a. m.]

[Administrative Order 1382]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 19, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 103B Coweta	$415,000
Virginia 51A New Kent	279,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-2532; Filed, Mar. 22, 1948; 8:56 a. m.]

[Administrative Order 1383]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 19, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
New Mexico 25A Luna	$150,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-2533; Filed, Mar. 22, 1948; 8:56 a. m.]

[Administratice Order 1384]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 19, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 31L Upson	$75,000
Georgia 37R Douglas	207,000
Georgia 77K Forsyth	475,000
Indiana 15H Fayette	55,000
Iowa 19K Adams	100,000
Kentucky 23H Taylor	560,000
Minnesota 10L Carlton	245,000
Minnesota 92G South Itasca	445,000
North Carolina 33L Martin	410,000
Wisconsin 38F Rock	145,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-2534; Filed, Mar. 22, 1948; 8:56 a. m.]

[Administrative Order 1385]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 21, 1947.

I hereby amend: Paragraph (a) of Administrative Order No. 1296, dated June 4, 1947, by further reducing the allocation of $270,000 made under Administrative Order No. 1079, dated May 31, 1946, for "California 32A San Bernardino" by $22,143.24 so that the reduced allocation shall be $67,928.81.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-2535; Filed, Mar. 22, 1948; 8:57 a. m.]

[Administrative Order 1386]

ALLOCATION OF FUNDS FOR LOANS

CHANGE OF PROJECT DESIGNATION

NOVEMBER 21, 1947.

Inasmuch as The Utility Service Company has transferred all its assets and liabilities to The Central Kansas Electric Cooperative Association, Inc., and The Central Kansas Electric Cooperative Association, Inc., has assumed the indebtedness to United States of America, of The Utility Service Company, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 78, dated March 31, 1937, by changing the project designation appearing therein as "Kansas 3 Barton" in the amount of $35,000 (changed to read "Kansas 3 U. S." by Memorandum to Staff, dated September 15, 1939) to read "Kansas 3 U. S." in the amount of $5,929.38 and "Kansas 34 Barton (Kansas 3 U. S.)" in the amount of $29,070.62.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-2536; Filed, Mar. 22, 1948; 8:57 a. m.]

[Administrative Order 1387]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 21, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Indiana 72F Clark	$50,000
Minnesota 57X Ottertail	415,000
North Carolina 21S Sampson	475,000
Oklahoma 2S, T Kay	352,000
Texas 103L Polk	300,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-2537; Filed, Mar. 22, 1948; 8:57 a. m.]

[Administrative Order 1388]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 26, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Missouri 34M Macon	$455,000
Ohio 1U Miami	240,000
Texas 68H Cooke	300,000
Texas 86M Comanche	340,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-2538; Filed, Mar. 22, 1948; 8:57 a. m.]

[Administrative Order 1389]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 26, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Virgin Islands 1H St. Croix	$157,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-2539; Filed, Mar. 22, 1948; 8:57 a. m.]

[Administrative Order 1390]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 26, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Alabama 37D Morgan	$550,000
Indiana 47K Orange	390,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-2540; Filed, Mar. 22, 1948; 8:57 a. m.]

[Administrative Order 1391]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 26, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Michigan 28V Presque Isle	$930,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-2541; Filed, Mar. 22, 1948; 8:58 a. m.]

[Administrative Order 1392]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 26, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Washington 50A Okanogan District Public	$400,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-2542; Filed, Mar. 22, 1948; 8:58 a. m.]

[Administrative Order 1393]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 28, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Indiana 99K Spencer	$190,000
Minnesota 18U Douglas	545,000
Minnesota 56N Crow Wing	550,000
Montana 31D Toole	100,000
North Dakota 13G Foster	455,000
Oklahoma 1N Kingfisher	520,000
Tennessee 31E McNairy	365,000
Wyoming 3K Fremont	167,000
Wyoming 12E Park	83,000

[SEAL] CARL HAMILTON,
Acting Administrator.

[F. R. Doc. 48-2543; Filed, Mar. 22, 1948; 8:58 a. m.]

[Administrative Order 1394]

ALLOCATION OF FUNDS FOR LOANS

CHANGE OF PROJECT DESIGNATION

NOVEMBER 28, 1947.

Inasmuch as East Mississippi Electric Power Association has transferred certain of its assets to Jones County Electric Power Association, and Jones County Electric Power Association has assumed in part the indebtedness to United States of America, of East Mississippi Electric Power Association, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 557, dated February 8, 1941, by changing the project designation appearing therein as "Mississippi 1045D1 Clarke-Lauderdale" in the amount of $51,000 to read "Mississippi 1045D1 Clarke-Lauderdale" in the amount of $7,612.41 and "Mississippi 30 Jones (Mississippi 1045D1 Clarke-Lauderdale)" in the amount of $43,387.59.

[SEAL] CARL HAMILTON,
Acting Administrator.

[F. R. Doc. 48-2544; Filed, Mar. 22, 1948; 8:58 a. m.]

[Administrative Order 1395]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 4, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Indiana 83G Dubois	$225,000
Ohio 29M Pike	215,000
Texas 84L Hall	150,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-2545; Filed, Mar. 22, 1948; 8:58 a. m.]

[Administrative Order 1396]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 4, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
Iowa 84A Hamilton	$5,300,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 48-2546; Filed, Mar. 22, 1948; 8:58 a. m.]

[Administrative Order 1397]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 5, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Iowa 77K Davis	$255,000
Texas 119F Kimble	55,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 48-2547; Filed, Mar. 22, 1948; 8:59 a. m.]

[Administration Order 1398]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 8, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Arkansas 30H Arkansas	$180,000
Missouri 49N & R Howell	535,000
Texas 59M Lamb	210,000
Texas 64S San Augustine	350,000
Virginia 35L Madison	190,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 48-2548; Filed, Mar. 22, 1948; 8:59 a. m.]

[Administrative Order 1399]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 8, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Colorado 20H Delta	$256,000
Kansas 32T Reno	140,000
Oklahoma 31K Woodward	900,000
Texas 50L Grayson	170,000
Texas 75K Wharton	70,000
Texas 80P Collingsworth	428,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 48-2549; Filed, Mar. 22, 1948; 8:59 a. m.]

[Administrative Order 1400]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 11, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Minnesota 83L Hubbard	$390,000
North Carolina 59E Beaufort	60,000
Oklahoma 22T Cotton	455,000
Virginia 36H Prince George	400,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 48-2550; Filed, Mar. 22, 1948; 8:59 a. m.]

[Administrative Order 1401]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 11, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Montana 32C Hill	$420,000
Texas 67H Rains-Rockwell	432,000
Wisconsin 40R Barron	635,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 48-2551; Filed, Mar. 22, 1948; 8:59 a. m.]

[Administrative Order 1402]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 17, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Alabama 43C Marshall	$165,000
Indiana 52L Ripley	125,000
Indiana 81H Sullivan	135,000
Indiana 88K Kosciusko	150,000
Kentucky 38M Fulton	365,000
North Carolina 38F Carteret	5,000
South Carolina 30F Colleton	180,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 48-2552; Filed, Mar. 22, 1948; 8:59 a. m.]

[Administrative Order 1403]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 17, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Georgia 45M Sumter	$620,000
Texas 76S Blanco	250,000
Texas 118G Henderson	200,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 48-2553; Filed, Mar. 22, 1948; 9:00 a. m.]

[Administrative Order 1404]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 22, 1947.

By virtue of the authority vested in me by the provisons of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Georgia 67S Bacon	$850,000
Indiana 27K Decatur	55,000
North Dakota 27C Emmons	500,000
North Dakota 35B Burleigh	350,000
Texas 100R Washington	380,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 48-2554; Filed, Mar. 22, 1948; 9:00 a. m.]

[Administrative Order 1405]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 23, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Georgia 68P Grady	$455,000
Indiana 26G Daviess	75,000
Kentucky 55R Henderson-Union	330,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 48-2555; Filed, Mar. 22, 1948; 9:01 a. m.]

[Administrative Order 1406]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 24, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended I hereby allocate, from the sums authorized by said act, funds for

a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
Kansas 34 P, R, S, Barton	$940,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-2556; Filed, Mar. 22, 1948; 9:02 a. m.]

[Administrative Order 1407]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 31, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended I hereby allocate, from the sums authorized by said act, funds for a loan for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Alabama 35D Jackson	$250,000
Georgia 69K Washington	100,000
Indiana 89M Harrison	103,000
Kansas 27M Morris	270,000
North Dakota 21F Sargent	450,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-2557; Filed, Mar. 22, 1948; 9:02 a. m.]

[Administrative Order 1408]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 31, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the project and in the amounts as set forth in the following schedule:

Project designation:	Amount
Indiana 44E Allen	$40,000
Minnesota 53S Waseca	105,000
New Mexico 14C Mora	475,000
South Dakota 11H Pennington	385,000
Wisconsin 57N Rusk	245,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-2558; Filed, Mar. 22, 1948; 9:02 a. m.]

[Administrative Order 1409]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 31, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Georgia 7F Dooly	$65,000
Mississippi 45N Clarke-Lauderdale	1,020,000
Pennsylvania 20W Blair	290,000
Pennsylvania 22M Jefferson	320,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-2559; Filed, Mar. 22, 1948; 9:02 a. m.]

[Administrative Order 1410]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 31, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Arkansas 18R Carroll	$895,000
Florida 17R Jackson	110,000
Illinois 41K Jefferson	395,000
Kentucky 52S Fleming	555,000
Minnesota 37M Jackson	190,000
North Carolina 46N, P Madison	888,000
Oregon 18G Eugene	450,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-2560; Filed, Mar. 22, 1948; 9:02 a. m.]

[Administrative Order 1411]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 6, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Minnesota 95N Lake of the Woods	$125,000
Virginia 11AB Rockingham	675,000
Virginia 22Y Caroline	738,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-2561; Filed, Mar. 22, 1948; 9:02 a. m.]

[Administrative Order 1412]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 9, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Colorado 35G Chaffee	$330,000
Oklahoma 18P Beckham	421,000
Oklahoma 24M Lincoln	508,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-2562; Filed, Mar. 22, 1948; 9:02 a. m.]

[Administrative Order 1413]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 9, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Missouri 28S Barton	$330,000
Missouri 45H Osage	597,000
North Dakota 28C Williams	350,000
Texas 93N Dewitt	50,000
Texas 102K Jackson	415,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-2563; Filed, Mar. 22, 1948; 9:02 a. m.]

[Administrative Order 1414]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 9, 1948.

I hereby amend: Administrative Order No. 1103, dated July 3, 1946, by rescinding the allocation of $55,000 therein made for "Louisiana 24A Haynesville"; effective as of June 30, 1947.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-2564; Filed, Mar. 22, 1948; 9:02 a. m.]

[Administrative Order 1415]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 9, 1948.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
Louisiana 24B Haynesville	$55,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-2565; Filed, Mar. 22, 1948; 9:02 a. m.]

[Administrative Order 1416]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 9, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
South Dakota 35A Bennett	$585,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-2566; Filed, Mar. 22, 1948; 9:03 a. m.]

[Administrative Order 1417]

ALLOCATION OF FUNDS FOR LOANS

CHANGE OF PROJECT DESIGNATION

JANUARY 12, 1948.

Inasmuch as Crawford Electric Cooperative, Inc. has transferred certain of

its assets to Tri-County Electric Cooperative, and Tri-County Electric Cooperative has assumed in part the indebtedness to United States of America, of Crawford Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 579, dated April 28, 1941, by changing the project designation appearing therein as "Missouri 1–0054GM1 Crawford" in the amount of $35,000 to read "Missouri 1–0054GM1 Crawford" in the amount of $15,000 and "Michigan 26 Ingham (Missouri 1–0054GM1 Crawford)" in the amount of $20,000.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48–2567; Filed, Mar. 22, 1948; 9:03 a. m.]

[Administrative Order 1418]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 12, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Nebraska 83D Custer District Public	$770,000
South Dakota 23C Sanborn	375,000
Texas 97F Childress	310,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48–2568; Filed, Mar. 22, 1948; 9:03 a. m.]

[Administrative Order 1419]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 12, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arkansas 22K Clay	$460,000
Minnesota 32P Fillmore	105,000
North Dakota 31B Burke	350,000
Pennsylvania 21L Somerset	200,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48–2569; Filed, Mar. 22, 1948; 9:03 a. m.]

[Administrative Order 1420]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 14, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Alabama 46C Franklin	$125,000
Florida 14X Clay	1,250,000
Louisiana 7H, K Grant	950,000
North Carolina 35N Davidson	110,000
Oklahoma 38H, K Choctaw	330,000
Texas 44E Hunt	115,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48–2570; Filed, Mar. 22, 1948; 9:03 a. m.]

[Adiministrative Order 1421]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 14, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arkansas 27K Ouachita	$120,000
Iowa 56H Poweshiek	515,000
Missouri 41N, R, S Platte	545,000
Oklahoma 15R, S Tillman	500,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48–2571; Filed, Mar. 22, 1948; 9:03 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938 and section 1 (b) of the Walsh-Healey Public Contracts Act have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938 (sec. 14, 52 Stat. 1068; 29 U. S. C. 214) and Part 525 of the regulations issued thereunder (29 CFR, Cum. Supp. Part 525, amended 11 F. R. 9556), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR, Cum. Supp., 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

1. Pennsylvania Branch, Shut-in Society, 511 North Broad Street, Philadelphia, Pennsylvania; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 10 cents per hour, whichever is higher; certificate is effective March 1, 1948, and expires February 28, 1949.

2. Goodwill Industries of New York Inc., 123 East 124th Street, New York 35, New York; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher; certificate is effective March 11, 1948, and expires January 31, 1949.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

The certificates may be cancelled in the manner provided by the regulations. Any person aggrieved by the issuance of either of these certificates may ask a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 12th day of March 1948.

JACOB I. BELLOW,
Assistant Director,
Field Operations Branch.

[F. R. Doc. 48–2458; Filed, Mar. 22, 1948; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7287, 8694, 8695, 8730, 8743, 8782, 8840]

ALLEGHENY BROADCASTING CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Allegheny Broadcasting Corporation, Pittsburgh, Pennsylvania, Docket No. 7287, File No. BPCT–147; Westinghouse Radio Stations, Inc., Pittsburgh, Pennsylvania, Docket No. 8694, File No. BPCT–221; WPIT, Incorporated, Pittsburgh, Pennsylvania, Docket No. 8695, File No. BPCT–241; WWSW, Inc., Pittsburgh, Pennsylvania, Docket No. 8730, File No. BPCT–254; United Broadcasting Corporation, Pittsburgh, Pennsylvania, Docket No. 8743, File No. BPCT–276; WCAE Incorporated, Pittsburgh, Pa., Docket No. 8782, File No. 293; Pittsburgh Radio Supply House, Inc., Pittsburgh, Pennsylvania, Docket No. 8840, File No. BPCT–345; for construction permits for television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of March 1948;

The Commission having under consideration the above application of Pittsburgh Radio Supply House, Inc. (BPCT-345) for construction permit for television station at Pittsburgh, Pennsylvania to operate on television channel No. 10 (192–198 mc) which is allocated to the Pittsburgh, Pennsylvania metropolitan district under § 3.606 of the Commission's rules and regulations; and

It appearing, that on December 15, 1947 and on January 16 and February 5, 1948, the Commission designated for consolidated hearing pending applications for construction permits for television broadcast stations to operate on channels allocated to the Pittsburgh, Pennsylvania metropolitan district because said applications exceed in number the unassigned television channels allocated to said metropolitan district;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above application of the Pittsburgh Radio Supply House, Inc. (File No. BPCT-345) be, and it is hereby, designated by the Commission for hearing in a consolidated proceeding with the other above entitled applications for television station in the Pittsburgh, Pa. metropolitan district, the hearing to begin at 10 oclock a. m., on May 17, 1948 in Pittsburgh, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine whether the operation of the proposed station would involve objectionable interference with any other existing television broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other television broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for television broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other television broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules Governing Television Broadcast Stations, and its Standards of Good Engineering Practice Concerning Television Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the issues in Docket Nos. 7287, 8694, 8695, 8730, 8743 and 8782 be, and they are hereby, enlarged to include in each case issues 4, 5, and 6 above.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-2499; Filed, Mar. 22, 1948; 8:52 a. m.]

[Docket Nos. 7372, 7429, 7857, 7880, 7909]

BALTIMORE BROADCASTING CORP. (WCBM) ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Baltimore Broadcasting Corporation (WCBM), Baltimore, Maryland, Docket No. 7372, File No. BP-3969; Tower Realty Company, Baltimore, Maryland, Docket No. 7429, File No. BP-4490; Mark A. Braymes and Frank Z. Temerson, d/b as Lomar Broadcasting Company, Lancaster, Pennsylvania, Docket No. 7857, File No. BP-5225; Foundation Company of Washington, Philadelphia, Pennsylvania, Docket No. 7880, File No. BP-5267; Monroe Broadcasting Company, Inc. (WRNY), Rochester, New York, Docket No. 7909, File No. BP-5333; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 11th day of March 1948;

The Commission having under consideration a petition filed October 29, 1947, by the Monroe Broadcasting Company, Inc., to sever from the above-entitled proceeding, its application for a construction permit for an increase in power from 250 w to 1 kw day and 500 w night, using directional antenna at night, and an increase in hours from daytime only to unlimited time at station WRNY, Rochester, New York, and requesting a grant of said application;

Whereas, the Commission having issued a Proposed Decision on September 10, 1947, pursuant to a hearing held in the above-entitled proceeding, which Decision has proposed to deny the application of Monroe Broadcasting Company, Inc., because its proposal did not comply with the Standards of Good Engineering Practice in several respects; and

It appearing, that on October 24, 1947, the Presiding Officer of the Motions Docket accepted an amendment filed by Monroe Broadcasting Company, Inc., specifying a new directional antenna system and transmitter location, and reopened the record for the purpose of receiving such amendment; and

It further appearing, that said application, as amended, would involve objectionable interference with station CKGB, Timmins, Ontario, Canada, and station CHLO at St. Thomas, Ontario, Canada, for which the Canadian Government has given notification to the United States on or about August 19, 1947, and possible interference with the pending application of station WDBC, Escanaba, Michigan, for operation on 680 kc, with 1 kw power, unlimited time, using a directional antenna at night (File No. BP-6219);

It is ordered, That the said petition of Monroe Broadcasting Company, Inc., be, and it is hereby, granted in part, that its said application be, and it is hereby, severed from the above-entitled consolidated proceeding; and

It is further ordered, That the record in the hearing on said application of Monroe Broadcasting Company, Inc., only, be, and it is hereby, reopened for further hearing at the time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine whether the operation of station WRNY as proposed would involve objectionable interference with station CKGB, Ontario, Canada, or with station CHLO, St. Thomas, Ontario, Canada, which has been notified to the United States by the Canadian Government, or with any other existing foreign broadcast station as defined in the North American Regional Broadcasting Agreement, and the nature and extent of such interference, if any.

2. To determine whether the operation of station WRNY as proposed would involve objectionable interference with services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-2498; Filed, Mar. 22, 1948; 8:52 a. m.]

[Docket Nos. 8030, 8789]

ENID BROADCASTING CO. AND LEADER PUBLISHING CO.

ORDER CONTINUING HEARING

In re applications of Enid Broadcasting Company, Enid, Oklahoma, Docket No. 8030, File No. BP-5489; Leader Publishing Company, Guthrie, Oklahoma, Docket No. 8789, File No. BP-6577; for construction permits.

Whereas, the above-entitled applications are presently scheduled to be heard in a consolidated proceeding on March 15 and 16, 1948, at Enid and Guthrie, Oklahoma; and

Whereas, a continuance of the said consolidated hearing to March 29 and 30, 1948, would serve the public interest, convenience and necessity;

It is ordered, This 11th day of March 1948, that the said consolidated hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Monday, March 29, 1948, at Guthrie, Oklahoma, and Tuesday, March 30, 1948, at Enid, Oklahoma.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-2504; Filed, Mar. 22, 1948; 8:53 a. m.]

[Docket Nos. 8040, 8058]

TYTEX BROADCASTING CO. AND TYLER BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Tytex Broadcasting Company, Tyler, Texas, Docket No. 8040, File No. BP–5540; Tyler Broadcasting Company, Tyler, Texas, Docket No. 8058, File No. BP–5564; for construction permits.

Whereas, the above-entitled applications are scheduled to be heard at Washington, D. C., on March 29, 1948; and

Whereas, on May 9, 1947, the Commission published a notice of proposed rule-making with respect to daytime skywave transmissions of standard broadcast stations (Docket No. 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I–A or I–B frequencies until a decision was announced in the said hearing (Mimeo No. 6630); and

Whereas, the above-entitled applications requests the use of 940 kc, 250 watts, daytime only;

It is ordered, This 9th day of March 1948, on the Commission's own motion, that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Monday, May 24, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48–2507; Filed, Mar. 22, 1948; 8:54 a. m.]

[Docket Nos. 8075, 8076]

BEAVER VALLEY RADIO, INC., AND WZHD, INC.

ORDER CONTINUING HEARING

In re applications of Beaver Valley Radio, Inc., Beaver Falls, Pennsylvania, Docket No. 8075, File No. BP–5563; WZHD, Incorporated, Warren, Ohio, Docket No. 8076, File No. BP–5598; for construction permits.

Whereas, the above-entitled applications are scheduled to be heard at Washington, D. C., on March 29, 1948; and

Whereas, on May 9, 1947, the Commission published a notice of proposed rule-making with respect to daytime skywave transmissions of standard broadcast stations (Docket No. 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I–A or I–B frequencies until a decision was announced in the said hearing (Mimeo No. 6630); and

Whereas, the above-entitled application of Beaver Valley Radio, Inc., Beaver Falls, Pennsylvania, requests the use of 830 kc, 250 watts, daytime only; and the above-entitled application on WZHD, Incorporated, Warren, Ohio, requests the use of 830 kc, 1 kw, daytime only;

It is ordered, This 9th day of March, 1948, on the Commission's own motion, that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Thursday, May 20, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48–2503; Filed, Mar. 22, 1948; 8:53 a. m.]

[Docket Nos. 8200, 8578]

HANOVER BROADCASTING CO., INC. AND RADIO HANOVER, INC.

CORRECTED ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Hanover Broadcasting Company, Inc., Hanover, Pennsylvania, Docket No. 3200, File No. BP–5658; Radio Hanover, Inc., Hanover, Pennsylvania, Docket No. 8578, File No. BP–6270; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1948;

The Commission having under consideration the above-entitled applications each requesting a construction permit for a new standard broadcast station to operate on the frequency 1280 kc, with 1 kw power, daytime only in Hanover, Pennsylvania; and the petition of Hanover Broadcasting Company, Inc. requesting that these applications be designated for hearing in a consolidated proceeding and that hearing thereon be scheduled for February 24, 1948, in Hanover, Pennsylvania; and

It appearing, that the hearing date requested by petitioner Hanover Broadcasting Company, Inc. is neither convenient to the Commission in the orderly dispatch of its business nor fair to the opposing applicant in this proceeding and the other applicants in other proceedings whose applications are awaiting hearing;

It is ordered, That the said petition of Hanover Broadcasting Company, Inc., insofar as it requests hearing on February 24, 1948, be, and it is hereby, denied: That the said petition insofar as it requests designation of the above-entitled applications for hearing in a consolidated proceeding be, and it is hereby, granted: and that pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the corporate applicants, their officers, directors and stockholders to construct and operate their proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast station and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48–2500; Filed, Mar. 22, 1948; 8:52 a. m.]

[Docket Nos. 8285, 8627]

NORTH JERSEY BROADCASTING CO., INC. (WPAT), AND MONOCACY BROADCASTING CO. (WFMD)

ORDER CONTINUING HEARING

In re applications of North Jersey Broadcasting Company, Inc. (WPAT), Paterson, New Jersey, Docket No. 8285, File No. BP–4613; The Monocacy Broadcasting Company (WFMD), Frederick, Maryland, Docket No. 8627, File No. BP–5128; for construction permits.

The Commission having under consideration a petition filed March 4, 1948, by North Jersey Broadcasting Company (WPAT), Paterson, New Jersey, requesting a 30-day continuance of the hearing now scheduled for March 11, 1948, on its above-entitled application for construction permit and the above-entitled application of The Monocacy Broadcasting Company (WFMD), Frederick, Maryland:

It appearing, that a continuance of the said hearing to April 14, 1948, would better serve the convenience of the Commission than would a 30-day continuance:

It is ordered, This 11th day of March 1948, that the petition be, and it is hereby granted; but that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Wednesday, April 14, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48–2506; Filed, Mar. 22, 1948; 8:54 a. m.]

[Docket No. 8302]

CHARLES WILBUR LAMAR, JR.

ORDER CONTINUING HEARING

In re applications of Charles Wilbur Lamar, Jr., Morgan City, Louisiana, Docket No. 8302, File No. BP-4913; for construction permit.

Whereas, the above-entitled application of Charles Wilbur Lamar, Jr., Morgan City, Louisiana, is scheduled to be heard on March 11, 1948, at Washington, D. C.; and

Whereas, there is pending a petition for reconsideration and grant without hearing filed December 24, 1947, by the said applicant; and counsel for the above-entitled applicant has consented to a continuance of the said hearing pending action on the said petition for reconsideration and grant without hearing;

It is ordered, This 11th day of March 1948, on the Commission's own motion, that the said hearing on the above-entitled application of Charles Wilbur Lamar, Jr., be, and it is hereby, continued to 10:00 a. m., Wednesday, March 31, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-2505; Filed, Mar. 22, 1948; 8:54 a. m.]

[Docket No. 8232]

SUBURBAN BROADCASTING CORP. (WRUD)

ORDER CONTINUING HEARING

In re application of Suburban Broadcasting Corporation (WRUD), Upper-Darby, Pennsylvania, Docket No. 8232, File No. BP-5134; for construction permit.

Whereas, the above-entitled application is scheduled to be heard at Washington, D. C., on March 26, 1948; and

Whereas, on May 9, 1947, the Commission published a notice of proposed rule-making with respect to daytime skywave transmissions of standard broadcast stations (Docket No. 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I-A or I-B frequencies until a decision was announced in the said hearing (Mimeo No. 6630); and

Whereas, the above-entitled application requests the use of 1170 kc, 1 kw, daytime only;

It is ordered, This 9th day of March 1948, on the Commission's own motion, that the said hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Wednesday, May 19, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-2502; Filed, Mar. 22, 1948; 8:53 a. m.]

[Docket No. 8266]

HEIGHTS BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of The Heights Broadcasting Company, Cleveland, Ohio, Docket No. 8266, File No. BP-5412; for construction permit.

Whereas, the above-entitled application is scheduled to be heard at Washington, D. C., on April 2, 1948; and

Whereas, on May 9, 1947, the Commission published a notice of proposed rule-making with respect to daytime skywave transmissions of standard broadcast stations (Docket No. 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I-A or I-B frequencies until a decision was announced in the said hearing (Mimeo No. 6630); and

Whereas, the above-entitled application requests 710 kc, 250 watts, daytime only;

It is ordered, This 9th day of March 1948, on the Commission's own motion, that the said hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Tuesday, May 25, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-2501; Filed, Mar. 22, 1948; 8:52 a. m.]

ST BROADCAST STATION AUTHORIZATIONS

MARCH 11, 1948.

The ST (studio-transmitter) broadcast service [1] is allocated, pursuant to action in Docket No. 6651, the frequency band 940-952 megacycles. Equipment for this frequency band has not heretofore been readily available and for this reason a number of FM stations which desired to use studio-transmitter circuits have been granted special temporary authorization to operate such circuits temporarily on other frequencies where interference would not result, particularly on television channels not yet in use for television broadcasting. Likewise the prewar ST stations, which were experimental, have been continued temporarily although the frequencies on which they operate are no longer allocated to this service.

Several manufacturers have recently announced that they are producing equipment for the 940-952 megacycle band and one installation in this band is now being completed under a construction permit granted to the permittee of an FM broadcast station in New Hampshire. It appears now that equipment for this band will become generally available within the next few months. At the same time the demands of other services for frequencies and the increasing number of FM and television stations in operation make it increasingly difficult to provide ST operation without interference on any frequencies not in conformance with the frequency-service allocation. For this reason stations holding temporary authorization for ST operation on such frequencies should plan to change operation to the band 940-952 megacycles at an early date and FM broadcast stations contemplating initial ST operation should plan to begin such operation in this band.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-2509; Filed, Mar. 22, 1948; 8:54 a. m.]

[1] Sections 4.501-4.582 of Commission rules.

STANDARD RADIO STATION KBLF

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on March 1, 1948 there was filed with it an application (BAL-706) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of Standard Station KBLF of Red Bluff, California from Robert L. Weeks to Russell G. Frey. The proposal to assign the license arises out of a contract of February 25, 1948 pursuant to which Robert L. Weeks and Thelma H. Weeks, his wife, agree to sell all of their right, title and interest in and to Radio Station KBLF, including all properties, equipment and other assets and to assign the license thereof to Russell G. Frey and Marie Frey, his wife, for the sum of $31,297. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on March 12, 1948 that starting on March 15, 1948 notice of the filing of the application would be inserted in The Red Bluff Daily News, a newspaper of general circulation at Red Bluff, California in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from March 15, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-2510; Filed, Mar. 22, 1948; 8:54 a. m.]

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

WFAK

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on March 10, 1948, there was filed with it an application (BAL–707) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of WFAK, Charleston, S. C., from J. B. Fuqua, Dorothy C. Fuqua and F. Frederick Kennedy, doing business as Charleston Broadcasters, to George Graham Weiss, of Augusta, Georgia. The proposal to assign the license arises out of a contract of February 2, 1948, pursuant to which the station, its equipment, facilities and properties except cash in bank as of January 31, 1948, would be sold for $70,000 of which the amount of $7,000 was paid in cash as earnest money and the balance would be paid within 10 days of Commission approval. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on March 15, 1948, that starting on March 12, 1948, notice of the filing of the application would be inserted in the Charleston Post, a newspaper of general circulation at Charleston, South Carolina, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from March 12, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–2511; Filed, Mar. 22, 1948; 8:54 a. m.]

CHECK LIST OF RULES AND REGULATIONS OF FEDERAL COMMUNICATIONS COMMISSION

MARCH 10, 1948.

Listed below is identification of the composition of the rules and regulations of the Federal Communications Commission to provide a means for individuals possessing books of the Commission's rules and regulations to check for the completeness thereof. This list brings the rules up to date as of March 9, 1948. All rules and regulations here listed are on sale at the Office of the Superintendent of Documents, Washington, D. C., with the exception of those parts opposite which there is placed an asterisk. Copies of those parts opposite which there is an asterisk may be obtained from the Federal Communications Commission on request. Amendments to all parts of the rules and regulations here listed may be secured from the Federal Communications Commission on request. (Note that all persons who obtain parts of these rules and regulations from the FCC, or who purchase those parts on sale at the Office of the Superintendent of Documents, who desire amendments to these parts, must fill out and return to the Commission one copy of No. 86780 (distributed with each part of the rules and regulations) for each part concerning which they desire to receive amendments.)

Part No.	Edition	Amendments outstanding to this edition
1	Edition revised to Feb. 20, 1947	Nos. 1–1 through 1–27. (Note that 1–11 is superseded by 1–14).
2	Edition revised to June 1, 1946	Nos. 2–1 and 2–2.
3	Edition revised to Jan. 16, 1948	No amendments outstanding.
[1]4	Edition effective Sept. 10, 1946 (mimeograph No. 97640).	No. 338 and 360.
5	Edition revised to Oct. 28, 1943	Nos. 303, 339, 346, 357, and 375.
	or	
	Edition effective Oct. 1, 1939	Nos. 102, 104, 196, 303, 339, 346, 357, and 375.
	(NOTE: New reprint of this part due to be available at GPO 3–30–48).	
6	Edition revised to Feb. 18, 1947	Nos. 6–1 and 6–2.
[1]7	Edition revised to Apr. 5, 1941	Nos. 77, 90, 116, 127, 198, 233, 279, 316, 340.
	or	
	Edition revised to Sept. 30, 1945	Nos. 316 and 340.
8	Edition revised to May 31, 1943	Nos. 184, 222, 231, 234, 247, 248, 252, 268, 280, 308, 317, 322, 343, 356, 358, 362, 369, 371, and Correction Sheet No. 12.
9	Edition revised to July 1, 1947	Amendments Nos. 9–2 and 9–3.
[1]10	Edition revised to Feb. 6, 1946	Nos. 309, 341, and 347.
	or	
	Edition revised to Oct. 16, 1944	Nos. 273, 290, 309, 341, and 347.
11	Edition effective Jan. 1, 1939	Nos. 128, 201, 291, 342, 348, and 350.
12	Edition revised to May 9, 1946	Nos. 12–2, 12–3, 12–9, 12–13, 12–14, 12–15, 12–16, 12–17, 12–18 and 12–19. (Note that Amendments Nos. 12–1, 12–4, 12–5, 12–6, 12–7, 12–8, 12–10, 12–11 and 12–12 have been superseded.)
[1]13	Edition effective July 1, 1939 (NOTE: New reprint of this part due to be available at GPO 3–29–48.)	Amendments Nos. 244, 300, 314, 325, 327, 331, 344, 353, 370, 373.
14	Revised to Apr. 2, 1942	No. 332.
	or	
	Effective Dec. 5, 1938	Nos. 118 and 332.
15	Revised to May 26, 1943 (NOTE: This Part now applicable to State Guard stations only.)	Nos. 259, 265, 305, 352.
16	Revised to Sept. 1, 1947	No. 16–4.
[1]17	Effective Sept. 12, 1946 (mimeograph No. 97733)	Nos. 17–1 through 17–5 (Note that 17–2 is superseded by 17–4).
[1]18	Effective June 30, 1947 (mimeograph No. 7722)	Nos. 18–1 through 18–3.
[1]19	Effective Dec. 1, 1947 (mimeograph No. 12099)	No amendments outstanding.
31–32	Revised to Aug. 1, 1946 (NOTE: Includes "Standard Practices" and "Telephone Accounting Bulletin No. 1" as Appendices.)	No. 31–1
33	Effective Jan. 1, 1939	Nos. 130, 217, and 238.
34	Effective Jan. 1, 1940	Nos. 218, 239, and 318.
35	Revised to Aug. 1, 1947	No amendments outstanding.
41	Revised to Dec. 4, 1947	Do.
42	Revised to May 27, 1943	Nos. 257 and 302.
43	Revised to Sept. 29, 1943	Nos. 275, 289, 298, 310, 345.
51	Effective July 25, 1944	No amendments outstanding.
52	Effective July 11, 1944	Do.
61	Revised to Aug. 1, 1946	Do.
62	Revised to May 23, 1944	Do.
[1]63	Revised to Dec. 30, 1946	Do.
[1]64	Revised to Sept. 19, 1946 (mimeograph No. 99866)	Do.
[1]65	Effective July 5, 1944	No. 277.
	or	
	Revised to Sept. 4, 1945	No amendments outstanding.
Standards of Good Engineering Practice—Standard Broadcast. Edition revised to Oct. 30, 1947.		Do.
Standards of Good Engineering Practice—FM. Edition revised to Jan. 9, 1946.		Nos. 307, 336, 363, 364, 367.
[1]Standards of Good Engineering Practice—Television. Edition effective Dec. 19, 1945 (711234—46—1).		No amendments outstanding.

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

MARCH 9, 1948.

[F. R. Doc. 48–2508; Filed, Mar. 22, 1948; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Project No. 16]

NIAGARA FALLS POWER CO.

NOTICE OF ORDER TO SHOW CAUSE

MARCH 18, 1948.

Notice is hereby given that, on March 17, 1948, the Federal Power Commission issued its order to show cause, entered March 16, 1948, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48–2471; Filed, Mar. 22, 1948; 8:51 a. m.]

[Docket Nos. G–149, G–132]

INTERSTATE NATURAL GAS CO., INC., ET AL.

NOTICE OF ORDER ALLOWING RATE SCHEDULES TO TAKE EFFECT

MARCH 18, 1948.

In the matter of Interstate Natural Gas Company, Inc., Docket No. G–149; Louisiana Public Service Commission,

Complainant, v. Interstate Natural Gas Company, Inc., Defendant; United Gas Pipe Line Company, Docket No. G–132.

Notice is hereby given that, on March 17, 1948, the Federal Power Commission issued its order entered March 16, 1948, in the above-designated matters, allowing supplemental rate schedules to take effect.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–2472; Filed, Mar. 22, 1948; 8:51 a. m.]

[Docket No. G–939]

EL PASO NATURAL GAS CO.

NOTICE OF ORDER DISMISSING APPLICATION

MARCH 18, 1948.

Notice is hereby given that, on March 17, 1948, the Federal Power Commission issued its order entered March 16, 1948, dismisssing application for certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–2470; Filed, Mar. 22, 1948; 8:51 a. m.]

[Docket No. G–994]

UNITED NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 18, 1948.

Notice is hereby given that, on March 17, 1948, the Federal Power Commission issued its findings and order entered March 16, 1948, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–2469; Filed, Mar. 22, 1948; 8:51 a. m.]

[Docket No. G–1008]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

MARCH 17, 1948.

Notice is hereby given that on March 5, 1948, New York State Natural Gas Corporation (Applicant), a New York corporation with its principal place of business at New York City, New York, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following-described natural-gas pipeline facilities, subject to the jurisdiction of the Commission.

Applicant proposes to make some changes in the regulating and measuring station which it is now operating in the Town of Genesee Falls, Wyoming County, New York, known as the Silver Springs connection, for the sale and delivery of additional volumes of natural gas to Iroquois Gas Corporation (Iroquois).

Applicant proposes to construct and operate a regulating and measuring station, together with the necessary connection, in the Allegheny National Forest, Spring Creek Township, Elk County, Pennsylvania, for the sale and delivery of natural gas to Pennsylvania Gas Company (Pennsylvania Gas).

Applicant states that United Natural Gas Company (United Natural) supplies Iroquois and Pennsylvania Gas with a major portion of their gas requirements. United Natural in turn obtains a substantial part of its supply of natural gas by purchase from Applicant. During the current winter 1947–48, the requirements of the consumers attached to the lines of Iroquois, Pennsylvania Gas and United Natural have greatly exceeded the supply available to those companies.

Applicant recites that it has agreed to deliver to Iroquois 6,000 Mcf of gas per day during December, January, February, and March; 4,000 Mcf of gas per day during April, May, October, and November; and 2,400 Mcf of gas per day during June, July, August, and September, making an annual total of 1,506,800 Mcf.

Applicant has agreed to deliver to Pennsylvania Gas 5,000 Mcf of gas per day during December, January, February, and March; and 4,500 Mcf of gas per day during April to November, inclusive, making an annual total of 1,703,000 Mcf.

Applicant proposes to commence delivery of natural gas to Iroquois and Pennsylvania Gas through the proposed facilities on November 1, 1948, provided the conditions in each of the contracts with Iroquois and Pennsylvania Gas are met.

The estimated over-all cost of the proposed facilities is $22,900, which will be paid from cash on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of New York State Natural Gas Corporation is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947) (18 CFR 1.8 and 1.10).

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–2459; Filed, Mar. 22, 1948; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–417]

CARDINAL GOLD MINING CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of March A. D. 1948.

The Los Angeles Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, has made application to strike from listing and registration the Common Stock, $1.00 Par Value, of Cardinal Gold Mining Company.

The application alleges that (1) the issuer has failed to comply with Rule X-13A–1 of the general rules and regulations of the Securities and Exchange Commission in that certified financial statements have not been filed for the years 1944, 1945, and 1946; (2) the issuer is not operating; and (3) an exchange market for this security no longer appears warranted.

Upon receipt of a request, prior to April 13, 1948, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–2463; Filed, Mar. 22, 1948; 8:50 a. m.]

[File No. 59–15]

NORTHERN NEW ENGLAND CO. AND NEW ENGLAND PUBLIC SERVICE CO.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING ON AMENDED PLAN AND ORDER TO SHOW CAUSE WHY NORTHERN NEW ENGLAND CO. SHOULD NOT BE LIQUIDATED

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of March A. D. 1948.

The Commission having previously, by order dated September 11, 1940, instituted proceedings pursuant to sec-

tion 11 (b) (2) of the Public Utility Holding Company Act of 1935 with respect to Northern New England Company ("Northern"), a registered holding company, such proceedings being directed, inter alia, to a determination of whether it was necessary to discontinue the existence of Northern; and the Commission having held hearings pursuant to said order and Northern having stipulated in said proceedings that it will consent to the entry of an order requiring it to liquidate by the Commission at such time as the Commission may deem appropriate; and Northern having also indicated its intention to file a plan for a partial distribution of its assets:

Notice is hereby given that Northern has filed an application for approval of an amended plan under section 11 (e) of the act, proposing an initial step in the divestment of securities and other assets for the purpose of enabling the company to comply with the provisions of section 11 (b) of the act. It is stated that said amended plan is in complete substitution for Northern's plan dated January 16, 1948. Said amended plan states that the Trustees of Northern are of the opinion that the company no longer serves any useful economic purpose and that its continued existence will unduly or unnecessarily complicate the structure of the holding company system of which it is a part and that they have determined that the company be liquidated and its Declaration of Trust terminated.

All interested persons are referred to said amended plan which is on file in the offices of this Commission. A brief description of Northern and a summarization of the amended plan follow:

Northern was created by a Declaration of Trust dated February 8, 1938 under the laws of the State of Maine. As at December 31, 1947, Northern's outstanding securities consisted of 227,084 shares of beneficial interest. As at the same date, its assets consisted of 312,193 shares of common stock of New England Public Service Company ("NEPSCO"), 9,939.7 shares of common stock of Public Service Company of New Hampshire ("New Hampshire"), 100 shares of Preferred stock 3.35% Dividend Series of New Hampshire, 100 shares of Preferred stock 3.50% Series of Central Maine Power Company ("Central Maine"), 10 shares of Preferred stock $6 Dividend Series of NEPSCO, cash in the amount of $46,498, United States Treasury Certificates of Indebtedness in the amount of $50,000 and certificates of Contingent Interest of NEPSCO in the redemption and cancellation of its Prior Lien Stock, $7 Dividend Series, in respect to 2,025 shares.

The amended plan contains the following provisions:

(1) The sale, at the market, of said Preferred stocks of New Hampshire and Central Maine;

(2) The sale, at the market, of said Treasury Certificates of Indebtedness;

(3) The distribution among the shareholders of Northern of 9,939 shares of the common stock of New Hampshire on the basis of one share of said stock for each 22.8 shares of beneficial interest in the company held by them. Fractional shares will not be issued. Instead, the shareholders of Northern whose holdings would entitle them to a fraction of a share of said stock will receive cash in lieu thereof. For such purpose the value of a share of common stock of New Hampshire shall be the market value thereof as determined by the average of the "bid" prices in the Boston over-the-counter market, quoted in a newspaper of general circulation published in that City, for the period of seven business days ending on the third day immediately preceding the date fixed by the Trustees for the consummation of the plan;

(4) The sale, at the market, of any shares of the common stock of New Hampshire not distributed (because fractional shares are not to be issued) under (3) above;

(5) The distribution among said shareholders ratable of cash (including that realized from the sale of assets as above set forth), reserving, however, to the company cash in the amount of not less than $25,000 nor more than $30,000;

(6) Any common stock of New Hampshire not distributed at the end of one year from the date of consummation of this plan, because of the inability to locate the shareholders entitled thereto, shall be sold by Northern at the market and the proceeds thereof kept and retained for the benefit of such shareholders. Any cash distributable under this plan, including cash realized from the sale of such common stock, and not capable of distribution because of inability to locate the shareholders entitled thereto, shall be held in trust by the company for the benefit of such shareholders, and, upon the liquidation of the company, shall be deposited in a bank or trust company for the benefit of shareholders. Any cash so deposited and remaining on deposit at the end of five years from the date of consummation of this plan, shall be distributed to Central Maine, New Hampshire and Central Vermont Public Service Corporation in the proportion that the investment of NEPSCO, as of the date of consummation of the amended plan, in each of said companies bears to the total investment of NEPSCO in said companies at such date; and

(7) The payment and reimbursement by Northern of such fees and expenses in connection with the amended plan as are subject to the jurisdiction of the Commission and are approved by it.

The amended plan states that only shareholders of beneficial interest whose names appear on the books of the Company at the close of business on the 7th day immediately preceding the day fixed for the consummation of the plan will be entitled to participate in the distribution provided for hereunder.

It is further stated that the date for the consummation of the amended plan shall be such date as shall be fixed by the Trustees of Northern in the notice mailed to all holders of record of shares of beneficial interest, with copies to the Commission and to any court then exercising jurisdiction over the plan, not less than 15 days prior to the date so fixed and as soon as reasonably practicable after the entry of an order by a District Court of the United States to enforce and carry out the terms and provisions of the plan.

Northern has requested that the Commission issue an order or orders necessary or appropriate to bring the transactions incident to carrying out this amended plan within the provisions of Supplement R and section 1808 (f) of the Internal Revenue Code, and has further requested that the Commission apply to a District Court of the United States to enforce and carry out the provisions of said amended plan.

The Commission being required by the provision of section 11 (e) of the act before approving any plan thereunder to find, after notice and opportunity for hearing, that the plan as submitted, or as hereafter modified, is necessary to effectuate the provisions of subsection (b) of section 11 of the act and is fair and equitable to the persons affected thereby; and it appearing appropriate to the Commission that notice should be given and that the hearings heretofore held in these proceedings should be reconvened for the purpose of adducing evidence with respect to the matters set forth in said amended plan and to afford all interested persons an opportunity to be heard with respect thereto, and that the application with respect to the amended plan should not be granted except pursuant to further order of the Commission; and

It further appearing appropriate to the Commission that, on the basis of our record in these proceedings, cause should be shown why an order should not be entered with respect to Northern requiring its liquidation and that an opportunity for hearing should be afforded for that purpose;

It is ordered, Pursuant to section 11 and 18 of the act, that the hearings in these proceedings be reconvened on April 7, 1948, at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., in such room as may be designated on such date by the hearing room clerk in Room 101.

It is further ordered, That at such reconvened hearing consideration be given to the matters set forth in said amended plan, as filed or as hereafter modified, and that cause shall be shown why an order should not be entered by the Commission directing the liquidation of Northern.

It is further ordered, That Harold B. Teegarden or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18(c) of said act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the amended plan and that, upon the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to its specifying additional matters and questions upon further examination:

(1) Whether the proposed amended plan, as submitted, or as hereafter modified, is necessary to effectuate the provisions of section 11 (b) of the act, and is fair and equitable to all persons affected thereby.

(2) Whether the fees and expenses and other remuneration which may be claimed in connection with the amended plan, and transactions incident thereto, are for necessary services and are reasonable in amount.

(3) Whether the accounting treatment to be accorded the proposed transactions is proper and in conformity with sound accounting principals and the Commission's Uniform System of Accounts for Public Utility Holding Companies, and whether any other accounting adjustments should be made.

(4) Whether the proposed sales and distributions meet the applicable standards of the act, particularly section 12 thereof.

(5) Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers, and consistent with all applicable requirements of the act and the rules thereunder, and if not, what modification should be required to be made and what terms and conditions should be imposed to satisfy the applicable statutory standards.

It is further ordered, That particular attention be directed at said reconvened hearing to the foregoing matters and questions with respect to the amended plan.

It is further ordered, That any person desiring to be heard in connection with said amended plan or desiring to be heard in opposition to the foregoing order to show cause, shall file with the Secretary of the Commission, on or before April 5, 1948, his request for application therefor as provided in Rule XVII of the rules of practice of the Commission.

It is further ordered, That jurisdiction be and hereby is reserved to separate either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth or which may arise in these proceedings, or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings, or to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

It is further ordered, That the Secretary of this Commission shall serve notice of the aforesaid hearing by mailing a copy of the order by registered mail to Northern New England Company, New England Public Service Company, Central Maine Power Company, Public Service Company of New Hampshire and Central Vermont Public Service Corporation, and to all persons heretofore granted participation in these proceedings, and that notice of said hearing shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases isued under the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That Northern New England Company shall give further notice of this hearing to all of its shareholders of record by mailing to each of said persons at his last known address a copy of this notice and order of hearing at least 15 days prior to the date of this hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-2462; Filed, Mar. 22, 1948; 8:50 a. m.]

[File No. 70-1725]

AMERICAN POWER & LIGHT CO. ET AL.

ORDER PERMITTING JOINT DECLARATION TO BECOME EFFECTIVE AND GRANTING JOINT APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of March A. D. 1948.

In the matter of American Power & Light Company, Texas Utilities Company, Texas Power & Light Company, Texas Electric Service Company, File No. 70-1725.

American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and Texas Utilities Company ("Texas Utilities"), a registered holding company subsidiary of American, together with Texas Electric Service Company ("Texas Electric") and Texas Power & Light Company ("Texas Power"), electric utility subsidiaries of Texas Utilities, having filed a joint application-declaration, and amendments thereto, pursuant to sections 6, 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-45 thereunder regarding the following proposed transactions:

For the stated purpose of meeting the cash needs of Texas Electric and Texas Power prior to the completion of the two companies' permanent financing plans for 1948 and prior to the making by Texas Utilities of permanent investments in the equities of the two companies, Texas Utilities proposes to borrow from American and/or banks on a temporary basis sums which at any one time will not exceed $6,000,000. All loans would be made between the effective date of the application-declaration, as amended, and June 30, 1948 and mature not later than September 30, 1948.

Sums would be advanced by American to Texas Utilities and sums would be advanced by Texas Utilities to Texas Electric and Texas Power upon the request of the borrowing companies specifying the amount or amounts required. The advances made by American to Texas Utilities and by Texas Utilities to Texas Electric and Texas Power would bear interest from the date made to the date of repayment at the rate of 1¾% per annum.

It is further proposed that Texas Utilities may temporarily borrow from banks from time to time and may thereafter borrow from American to repay such banks and to provide Texas Utilities with cash, all for the purposes contemplated in the application-declaration. In the event any such borrowings from banks are to be made, an amendment to the application-declaration would be filed with the Commission stating the name or names of the bank or banks from which such borrowings are to be made, the terms of such borrowings, the interest rate and maturity. Upon filing such amendment the same would become effective within ten days in the event no action was taken with respect thereto by the Commission within such ten day period. It is provided that any sums borrowed from banks by Texas Utilities for the purpose of making advances to Texas Electric and Texas Power be advanced to Texas Electric and Texas Power at the same rate of interest at which said sums may be borrowed from said banks.

It is proposed that Texas Electric and Texas Power will repay the borrowings made from Texas Utilities with the proceeds of sales of long-term securities which these companies expect to sell before September 30, 1948. Texas Utilities will repay the advances made to it by American and/or banks hereunder prior to September 30, 1948.

Applicants-declarants having requested that the Commission's order issue at the earliest date possible and become effective upon issuance; and

Public hearings having been held, and the Commission having made and filed its findings and opinion herein:

It is ordered, That said joint declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, and said joint application, as amended, be, and the same hereby is, granted, subject however to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-2467; Filed, Mar. 22, 1948; 8:51 a. m.]

[File No. 70-1747]

LOUISIANA POWER & LIGHT CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of March A. D. 1948.

Louisiana Power & Light Company ("Louisiana"), a utility subsidiary of Electric Power & Light Corporation, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed an application-declaration and amendments thereto pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and Rule U-50 thereunder regarding the issuance and sale at competitive bidding of $10,000,000 aggregate principal amount of First

Mortgage Bonds, ---% Series, due 1978, and

The Commission by order dated March 4, 1948 having granted and permitted to become effective said application-declaration, as amended, subject to the condition that the proposed issue and sale of said bonds not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order entered by the Commission in the light of the record so completed, and subject to a further reservation of jurisdiction with respect to the payment of all fees and expenses proposed to be paid in connection with the proposed transactions; and

Louisiana having filed a further amendment to its application-declaration setting forth the action taken to comply with the requirements of Rule U-50, said amendment setting forth that pursuant to the invitation for competitive bids, bids on said bonds were received from 8 groups of underwriters headed by the firms set forth below:

Underwriting group	Coupon rate	Price to company	Cost to company
	Percent		
Halsey, Stuart & Company, Inc.	3⅛	100.2912	3.1100
Merrill Lynch, Pierce, Fenner & Beane-Kidder, Peabody & Co.	3⅛	100.16	3.1168
Lehman Bros.	3⅛	100.115	3.1191
Blyth & Co., Inc.	3⅛	100.08	3.1209
Harriman, Ripley & Co., Inc.	3⅛	100.064	3.1217
Shields & Co.-White, Weld & Co.	3⅛	100.0511	3.1224
Salomon Bros. & Hutzler	3¼	102.0719	3.1428
W. C. Langley & Co.	3¼	101.8199	3.1557

Said amendment to the application-declaration further stating that Louisiana has accepted the bid of the underwriting group headed by Halsey, Stuart & Company, Inc., as set out above, and further stating that the bonds will be offered for sale to the public at a price of 100.485% of the principal amount thereof, resulting in an underwriters' spread of 0.1938% of the principal amount of said bonds, and

It appearing to the Commission that the fees and expenses aggregating $85,000 proposed to be paid in connection with the proposed transactions are not unreasonable, said fees and expenses including counsel fees as follows:

Reid & Priest (New York counsel for Louisiana)	$9,000
Monroe & Lemann (local counsel for Louisiana)	9,000
Winthrop, Stimson, Putnam & Roberts (counsel for the underwriters fee to be paid by the successful purchasers)	7,500

The Commission having examined said amendment, and having considered the entire record, and finding no reason for imposing terms and conditions with respect to said matters:

It is ordered, That jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said bonds under Rule U-50 be, and the same hereby is, released, and that the application-declaration, as further amended herein, be, and the same hereby is, granted and permitted to become effective, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, that jurisdiction heretofore reserved with respect to the payment of fees and expenses incurred in connection with the proposed transactions including the fees and expenses payable to counsel for the successful bidder be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2461; Filed, Mar. 22, 1948; 8:50 a. m.]

[File No. 70-1754]

TEXAS UTILITIES CO. AND TEXAS POWER & LIGHT CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 17th day of March A. D. 1948.

Texas Utilities Company ("Texas Utilities"), a holding company subsidiary of American Power & Light Company, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and Texas Power & Light Company ("Texas Power"), an electric utility subsidiary of Texas Utilities, having filed a joint application-declaration pursuant to sections 6 (a), 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-43 thereunder regarding the following proposed transactions:

Texas Power proposes to issue and sell to Texas Utilities 100,000 shares of common stock of Texas Power for a cash consideration of $1,000,000. Such consideration will be added to the stated value of the common stock of Texas Power. In connection with said issuance and sale of common stock, Texas Power proposes to amend its charter so as to increase the number of authorized shares of its common stock from 2,500,000 shares to 3,000,000 shares. The cash to be received by Texas Power from the issuance and sale of its common stock to Texas Utilities plus general corporate funds will be used by Texas Power to redeem at par all of Texas Power's outstanding 2% Serial Notes aggregating $1,875,000 and/or for other corporate purposes.

Said application-declaration having been filed on February 20, 1948, and the last amendment thereto having been filed on March 8, 1948, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules and regulations thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective; and

Applicants-declarants having requested that the Commission's order issue at the earliest date practicable and become effective upon issuance:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2464; Filed, Mar. 22, 1948; 8:50 a. m.]

[File No. 70-1756]

NEW ENGLAND POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of March A. D. 1948.

Notice is hereby given that a declaration and amendments thereto have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("the act") by New England Power Company ("New England"), a public-utility company and a subsidiary of New England Electric System, a registered holding company. Declarant has designated section 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 23, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 23, 1948, said declaration, as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration and amendment which are on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

New England proposes to issue to The First National Bank of Boston or Worcester County Trust Company, Worcester, Massachusetts, from time to time, but in any case not later than June

30, 1948, unsecured promissory notes due not more than one year from the date of issuance thereof and bearing an interest or discount rate not in excess of an effective rate of interest of 2% per annum. The aggregate face amount of such notes is not to exceed $2,850,000 at any one time. It is stated in the declaration that the proceeds derived from the short-term notes will be used to finance temporarily New England's construction program through June 30, 1948, to reimburse partially its treasury for monies expended since January 1, 1948 for construction purposes, and to pay, at maturity, notes presently outstanding in the aggregate amount of $1,550,000, and due May 24, 1948 in the amount of $750,000, June 24, 1948 in the amount of $500,000 and June 30, 1948 in the amount of $300,000. It is further stated in the declaration that no State or Federal commission (other than this Commission) has jurisdiction over the proposed transactions; that no fees, commissions, or other remuneration are involved in connection with the proposed transactions, except expenses in connection with the services performed by New England Power Service Company at the actual cost thereof and estimated not to exceed $500, and that it is understood and agreed to by New England that the authorization to borrow pursuant to any order of this Commission with reference to said declaration, as amended, shall no longer be in effect when permanent financing results in available proceeds sufficient to retire all notes then outstanding pursuant to such authorization.

New England requests the Commission to issue its order permitting the declaration to become effective on or before March 26, 1948, and that the order become effective forthwith.

By the Commission:

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2465; Filed, March 22, 1948; 8:51 a. m.]

[File No. 70-1758]

ENGINEERS PUBLIC SERVICE CO., INC.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of March A. D. 1948.

Engineers Public Service Company (Incorporated) ("Engineers"), a registered holding company, having filed an application pursuant to section 10 of the Public Utility Holding Company Act of 1935 ("the act"), with respect to the following transactions:

Engineers, which owns 162,612 shares (less than 10%) of the common stock of Virginia Electric and Power Company ("Virginia"), proposes to acquire certain subscription rights to be distributed by Virginia to its common stockholders of record on March 15, 1948 on the basis of one right for each share of common stock held. Engineers also proposes to sell such rights through various members of the New York Stock Exchange at the best market price obtainable. The sale of the subscription rights is exempt from the provisions of the act by virtue of Rule U-44 (b) promulgated thereunder. It is stated in the application that for each twenty-five subscription rights held, the holder thereof is entitled to purchase at $100, a $100 face value Convertible Debenture, due 1963. The subscription period will end at 3:00 p. m., April 5, 1948. The application further states that the only expense in connection with the proposed transaction, other than the regular brokerage commission in connection with the sale of its rights, will be legal fees estimated at $500 and that no State Commission or Federal Commission (other than this Commission) has jurisdiction over the proposed transaction.

Said application having been filed on February 24, 1948 and notice of said filing having been given in the form and the manner prescribed in Rule U-23 promulgated under said act and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the provisions prescribed in Rule U-24, that the application be, and the same hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2466; Filed, Mar. 22, 1948; 8:51 a. m.]

[File No. 70-1772]

ARKANSAS POWER & LIGHT CO. AND ELECTRIC POWER & LIGHT CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of March A. D. 1948.

Notice is hereby given that Electric Power & Light Corporation ("Electric"), a registered holding company subsidiary of Electric Bond and Share, also a registered holding company, and Electric's utility subsidiary, Arkansas Power & Light Company ("Arkansas"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935, and have designated sections 6 (b), 7, 12 (c), and 12 (f) of the act and Rule U-43 thereunder as applicable to the proposed transactions which are summarized as follows:

Arkansas has outstanding 1,460,000 shares of common stock, of a par value of $12.50 per share, all of which are owned by Electric. Arkansas proposes to issue and sell to Electric, and Electric proposes to acquire, an aggregate of 320,000 additional shares of the common stock of Arkansas for a cash consideration of $4,000,000. The application-declaration states that the proceeds from the proposed sale of common stock will be used for the construction of new facilities and the extension and improvement of present facilities.

The application-declaration states that it is believed that there will be compliance with section 6 (b) of the act since the issue and sale of securities are solely for the purpose of financing the business of Arkansas and will be expressly authorized by the Public Service Commission of the State of Arkansas, in which State Arkansas was organized and is doing business. It is further stated that a copy of the order of said Commission when issued will be filed as an amendment to the application-declaration.

The application-declaration requests that the Commission's order herein be issued as promptly as may be practicable and that it become effective forthwith upon the issuance thereof.

Notice is further given that any interested person may, not later than March 29, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said amendment to the application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 29, 1948 at 5:30 p. m., e. s. t., said amendment to the application-declaration, as filed or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2460; Filed, Mar. 22, 1948; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10771]

AUGUSTO G. W. CANTIENY

In re: Rights of Augusto G. W. Cantieny under insurance contract. File No. F-28-28216-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Augusto G. W. Cantieny, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 4508316, issued by the Prudential Insurance Company of America, Newark, New Jersey, to Augusto G. W. Cantieny, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2475; Filed, Mar. 22, 1948; 8:45 a. m.]

[Vesting Order 10773]

GEORGE A. DUPPKE

In re: Estate of George A. Duppke, deceased. File No. D-28-11971; E. T. sec. 16155.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Freda Scheil and Herbert K. Duppke, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country, (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of George A. Duppke, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country, (Germany);

3. That such property is in the process of administration by Philip R. Gebhardt, as administrator, acting under the judicial supervision of the Orphans' Court of Hunterdon County, New Jersey;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2476; Filed, Mar. 22, 1948; 8:45 a. m.]

[Vesting Order 10775]

MAX HERMANN FETT

In re: Rights of Max Hermann Fett under insurance contract. File No. D-28-12078-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Hermann Fett, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 2909922, issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Katharina Fett, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owning to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2477; Filed, Mar. 22, 1948; 8:46 a. m.]

[Vesting Order 10781]

MARIE KLENK

In re: Estate of Marie Klenk, deceased. File D-28-10535; E. T. sec. 14941.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fredericka Steudle and Karl Wurster, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Marie Klenk, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Herman Steudle, as Executor, acting under the judicial supervision of the Probate Court of Wayne County, Michigan;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2478; Filed, Mar. 22, 1948; 8:46 a. m.]

[Vesting Order 10807]

WILHELM RICHTER

In re: Debt owing to Wilhelm Richter. F-28-15067-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Richter, whose last known address is Bothfelderstrasse 23, Hannover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Wilhelm Richter, by H. Ostermann, doing business as Meisinger Company, 150 Fifth Avenue, New York 11, New York, in the amount of $393.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2479; Filed, Mar. 22, 1948; 8:46 a. m.]

[Vesting Order 10810]

HEINRICH SCHMIDT

In re: Bank account owned by Heinrich Schmidt. F-28-5204-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Schmidt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Heinrich Schmidt, by The Pennsylvania Company for Banking & Trusts, 15th & Chestnut Streets, Philadelphia, Pennsylvania, arising out of a checking account, entitled Heinrich Schmidt, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2480; Filed, Mar. 22, 1948; 8:46 a. m.]

[Vesting Order 10811]

LOUISE STETTER

In re: Debt owing to Louise Stetter. F-28-28476-C-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Stetter, whose last known address is Buchen in (Baden) Odenwald, Markstr. 30, Zum Ross (17a), Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Louise Stetter, by Adam J. Freehan, 6 Arlington Avenue, South River, New Jersey, in the principal amount of $1,500.00, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2481; Filed, Mar. 22, 1948; 8:46 a. m.]

[Vesting Order 10812]

MARGARETH STOPEL

In re: Debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Margareth Stopel, deceased. F-28-28598-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Margareth Stopel, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to the personal representatives, heirs, next of kin, legatees and distributees of Margareth Stopel, deceased, by Union Title Insurance and Trust Company, P. O. Box 1150, San

Diego 12, California, in the amount of $480.39, as of September 20, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2482; Filed, Mar. 22, 1948; 8:46 a. m.]

[Vesting Order 10818]

EMMA BUNGE

In re: Estate of Emma Bunge, deceased. File D-28-11001; E. T. sec. 15378.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Emma (Meyer) Mayer, Miss Bertha (Emma) Bunge, and Mr. Herman Bunge, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $4949.13 was paid to the Attorney General of the United States by The First National Bank of Chicago, and Herman Kannenberg, Co-Executors of the Estate of Emma Bunge, deceased;

3. That the said sum of $4949.13 was accepted by the Attorney General of the United States on December 23, 1947, pursuant to the Trading with the Enemy Act, as amended;

4. That the said sum of $4949.13 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2483; Filed, Mar. 22, 1948; 8:46 a. m.]

[Vesting Order 10819]

HERMAN EINSTEIN

In re: Trust under deed of Herman Einstein, dated May 26, 1920. D-66-361; E. T. 2811.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lena Neuburger and Emma Neuburger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated May 26, 1920, by and between Herman Einstein, settlor, and The Cleveland Trust Company of Cleveland, Ohio, Trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 5, 1948

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2484; Filed, Mar. 22; 1948; 8:46 a. m.]

[Vesting Order 10821]

CATHARIN HALBIG

In re: Estate of Catharin Halbig, deceased. File D-28-12161; E. T. sec. 16369.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Moch, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $460.00 was paid to the Attorney General of the United States by George Wolff and Mary Leroux, Co-Executors of the Estate of Catharin Halbig, deceased;

3. That the said sum of $460.00 was accepted by the Attorney General of the United States on January 6, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $460.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate

consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2485; Filed, Mar. 22, 1948; 8:47 a. m.]

[Vesting Order 10823]

JOHANNA HOLZMACHER

In re: Estate of Johanna Holzmacher, deceased. File D-28-10864; E. T. sec. 15274.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Lidemit, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $1500.00 was paid to the Attorney General of the United States by Gustav A. Steege, Jr., Executor of the Estate of Johanna Holzmacher, deceased;

3. That the sum of $1500.00 was accepted by the Attorney General of the United States on July 28, 1947, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $1500.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2486; Filed, Mar. 22, 1948; 8:47 a. m.]

[Vesting Order 10824]

GEORGE HENRY HOMBURG

In re: Estate of George Henry Homburg, deceased. File D-28-12063; E. T. sec. 16231.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Richter, Therese Himmelmann, Frau Anna Homburg, Frau Fredericke Waldeck, and Frau Marie Kleinshmidt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Karl Richter; issue, names unknown, of Therese Himmelmann; issue names unknown, of Frau Anna Homburg; issue, names unknown, of Frau Fredericke Waldeck; and issue, names unknown, of Frau Marie Kleinshmidt, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of George Henry Homburg, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Henry Parker, as executor, acting under the judicial supervision of the Superior Court of the State of California, County of San Francisco, California;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof and the issue, names unknown, of Karl Richter; issue, names unknown, of Therese Himmelmann; issue, names unknown, of Frau Anna Homburg; issue, names unknown, of Frau Fredericke Waldeck; and issue, names unknown, of Frau Marie Kleinschmidt, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2487; Filed, Mar. 22, 1948; 8:47 a. m.]

[Vesting Order 10826]

ELIZABETH SCHERER

In re: Estate of Elizabeth Scherer, deceased. File F-28-28735; E. T. sec. 16420.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. Otto Scherer, Karelina Baumann, Elizabeth Denger, Emma Hoffmann, Lydie Schnoder, Bertha Ziliex, Gustav Karl Scherer, Elsa Scherer, Emma Fuhrmann, Ludwig Karl Scherer, Maria Boblet, Erna Klug, Alwine Breininger whose last known address is Germany are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them in and to the Estate of Elizabeth Scherer, Deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Chester D. Gunn, Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the county of San Diego;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise

dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2488; Filed, Mar. 22, 1948; 8:47 a. m.]

[Vesting Order 10828]

SEITARO ARAI

In re: Debt owing to Seitaro Arai, also known as Seitaro Arai & Co. Ltd. F-39-203-C-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Seitaro Arai, also known as Seitaro Arai & Co. Ltd., the last known address of which is P. O. Box 7, 1 Onoecho Yokohama, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8399, as amended, has had its principal place of business in Yokohama, Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Seitaro Arai, also known as Seitaro Arai & Co. Ltd., by American Bulb Company, 1335 West Randolph Street, Chicago, Illinois, in the amount of $6,192.00, as of June 14, 1941, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2489; Filed, Mar. 22, 1948; 8:48 a. m.]

[Vesting Order 10829]

GOTTLOB BAYER ET AL.

In re: Bank accounts owned by Gottlob Bayer and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons named in Exhibit A, attached hereto and by reference made a part hereof, whose last known addresses are as set forth in Exhibit A, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to the persons named in Exhibit A, by Bank of America, National Trust and Savings Association, 300 Montgomery Street, San Francisco 20, California, arising out of the Savings Accounts, entitled and numbered as set forth opposite the names of the persons listed in the aforesaid Exhibit A, maintained at the branch office of the aforesaid bank located at 8th and J Streets, Sacramento 2, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

Name and last known address of owner	Title of account	Account No.	OAP file No.
Gottlob Bayer, Pliezhausen, Germany	Gottlob Bayer	21266	F-28-28644-E-1.
Paul Bayer, Wurttemberg, Germany	Paul Bayer	21810	F-28-28641-E-1.
Luise Bayer, Stuttgart, Germany	Luise Bayer	21804	F-28-28642-E-1.
Ludwig Hermann Bayer, Pliezhausen, Germany	Ludwig Hermann Bayer	21797	F-28-28643-E-1.
Frieda Bayer, Pliezhausen, Germany	Frieda Bayer	21771	F-28-28645-E-1.
Frida Bayer, Pliezhausen, Germany	Frida Bayer	21785	F-28-28646-E-1.
Ernest Friedrich Bayer, Munchen, Germany	Ernest Friedrich Bayer	21825	F-28-28647-E-1.
Ernest Bayer, Pliezhausen, Germany	Ernest Bayer	21826	F-28-28648-E-1.
Erhard Bayer, Pliezhausen, Germany	Erhard Bayer	21824	F-28-28649-E-1.
Elise Bayer, Pliezhausen, Germany	Elise Bayer	21777	F-28-28650-E-1.
Anna Bayer, Pliezhausen, Germany	Anna Bayer	21793	F-28-28653-E-1.
Clemens Ludwig Bayer, Stuttgart, Germany	Clemens Ludwig Bayer	21807	F-28-28652-E-1.
Egon Georg Bayer, Stuttgart, Germany	Egon Georg Bayer	21822	F-28-28651-E-1.
Marie Rink, Frankfurt-am-Main, Germany	Marie Rink	21813	F-28-28668-E-1.

[F. R. Doc. 48-2490; Filed, Mar. 22, 1948; 8:48 a. m.]

[Vesting Order 10830]

ANTON BECK

In re: Bank account owned by Anton Beck. F-28-28747-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anton Beck, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Dollar Savings Bank, 340 Fourth Avenue, Pittsburgh, Pennsylvania, arising out of a Savings Account entitled Katharina Schimpf in trust for Anton Beck, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anton Beck, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a

national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2491; Filed, Mar. 22, 1948; 8:48 a. m.]

[Vesting Order 10832]

COMMERZBANK AKTIENGESELLSCHAFT

In re: Bank accounts owned by Commerzbank Aktiengesellschaft.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Commerzbank Aktiengesellschaft, the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Commerzbank Aktiengesellschaft, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a dollar checking account, entitled General Ruling No. 6 Account, Commerzbank, Akt. Account No. 2, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Commerzbank Aktiengesellschaft, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a dollar checking account, entitled Commerzbank Aktiengesellschaft, Account No. 2, FS86129, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2492; Filed, Mar. 22, 1948; 8:48 a. m.]

[Vesting Order 10834]

MATHIAS HOFMANN

In re: Bank account owned by Mathias Hofmann.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mathias Hofmann, whose last known address is 13 1/10 Hermannstrasse, Heppenheim an der Bergstrasse, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Mathias Hofmann, by East River Savings Bank, 26 Cortlandt Street, New York, New York, arising out of a savings account, account number 250301, entitled Mathias Hofmann or Ruth Katharinna Hofmann, maintained at the branch office of the aforesaid bank located at 291 Broadway, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2493; Filed, Mar. 22, 1948; 8:48 a. m.]

[Vesting Order 10835]

MATHIAS HOFMANN

In re: Bank account owned by Mathias Hofmann. F-28-1005-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mathias Hofmann, whose last known address is 13 1/10 Hermannstrasse, Heppenheim an der Bergstrasse, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Mathias Hofmann, by Irving Savings Bank, 115 Chambers Street, New York 7, New York, arising out of a savings account, account number 157,107, entitled Mathias Hofmann or Ruth Katharina Hofmann, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2494; Filed, Mar. 22, 1948; 8:48 a. m.]

[Vesting Order 10853]

JOSEFINE UZELINO

In re: Stock owned by Josefine Uzelino. F-28-23357-D-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Josefine Uzelino, whose last known address is Flonheim 1, Rheinhessen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of no par value preferred capital stock of Great Northern Railway Company, 2 Wall Street, New York, New York, a corporation organized under the laws of the State of Minnesota, evidenced by certificate number B150928, registered in the name of Josefine Uzelino, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2496; Filed, Mar. 22, 1948; 8:48 a. m.]

[Vesting Order 10859]

LOUISE FRANK

In re: Real property, property insurance policies and claim owned by Louise Frank.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Frank, whose last known address is Bahnhof Strasse 106, Woelchingen bei Bocksberg, Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property, situated in the Borough of Rutherford, County of Bergen, State of New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. All right, title and interest of Louise Frank in and to the following insurance policies:

Fire Isurance Policy No. DH 1916, issued by National Liberty Insurance Company of America, 59 Maiden Lane, New York, New York, in the amount of $8,000, which policy expires April 28, 1950 and insures the property described in subparagraph 2-a hereof,

Public Liability Policy No. OP 92124, issued by Central Surety and Insurance Corporation, 1737 McGee Street, Kansas City 10, Missouri, which policy expires December 16, 1948 and insures the property described in subparagraph 2-a hereof, and

c. That certain debt or other obligation owing to Louise Frank by George Frank, 413 Park Avenue, Fairview, Bergen County, New Jersey, arising out of rents collected on the property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 12, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

All that certain tract of land and premises situate in the Borough of Rutherford in the County of Bergen and State of New Jersey, laid down and shown on a certain map entitled a map of section number three (3) Ridge Heights Land Company on file at the County Clerk's Office at Hackensack, as lots numbers twenty-four (24) and twenty-five (25) in block one hundred and thirty six (136) being fifty (50) feet front on the westerly side of Mountain Way. Being premises commonly known as 154-156 Mountain Way, Rutherford, N. J. Being the same premises conveyed by Natalie Gamblin and Harold Gamblin, her husband to August C. Anstatt, by deed dated May 17, 1926 and recorded in the Clerk's Office of Bergen County in book 1409 of deeds for said County on pages 178 &c.

[F. R. Doc. 48-2497; Filed, Mar. 22, 1948; 8:48 a. m.]

[Vesting Order 10841]

MARY MILLER

In re: Stock owned by Mary Miller. F-28-7845-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Miller, whose last known address is Cochstadt, (Kr) Quiedlinburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Twelve (12) shares of $33⅓ par value capital stock of Continental Illinois National Bank and Trust Company of Chicago, 231 South La Salle Street, Chicago, Illinois, evidenced by certificate number 3607 for five (5) shares, certificate number 3441 for one (1) share and certificates numbered 13256, 36792 and 89927 for two (2) shares each, registered in the name of Miss Mary Miller, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2495; Filed, Mar. 22, 1948; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 7813]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RESTORED FROM UMATILLA PROJECT

MARCH 11, 1948.

An order of the Bureau of Reclamation, dated July 23, 1947, concurred in by the Director, Bureau of Land Management, September 4, 1947, revoked Departmental Orders of February 25, 1903 and August 16, 1906, so far as they withdrew in the first and second forms prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described in connection with the Umatilla Project, Oregon, and provided that such revocation shall not affect the withdrawal of any other lands by said orders, or affect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on May 13, 1948 the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 14, 1948, to August 12, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. Sup. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 24, 1948, to May 13, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 14, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 13, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from July 24, 1948, to August 12, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 13, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, The Dalles, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, The Dalles, Oregon.

The lands affected by this order are described as follows:

WILLAMETTE MERIDIAN

T. 4 N., R. 25 E.,
Sec. 8, lot 1.

The above area aggregates 48.00 acres.

Available data indicate that this land varies from level and sandy in the northerly portion adjoining the Columbia River to undulating and rolling uplands in the balance of the tract.

THOS. C. HAVELL,
Assistant Director.

[F. R. Doc. 48-2456; Filed, Mar. 22, 1948; 9:04 a. m.]